

EXHIBIT A

(Solomon Subpoena)

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Donald Michael Outlaw

Plaintiff

v.

City of Philadelphia, et al.

Defendant

Civil Action No. 21-1290

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Monique Solomon-Outlaw
c/o VSCP Law, 2001 Market St., Suite 3700, Philadelphia PA 19103*(Name of person to whom this subpoena is directed)*

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Documents attached on Schedule A

Place: City of Philadelphia Law Department 1515 Arch St., 14th Floor Philadelphia, PA 19102	Date and Time: May 17, 2022 at 10:00 am
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/26/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Danielle B. Rosenthal

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Defendants City of Philadelphia, Howard Peterman, Jeffrey Piree, who issues or requests this subpoena, are:

Danielle Rosenthal, 1515 Arch St., 14th Floor, Philadelphia PA 19102; danielle.rosenthal@phila.gov; 215-683-5448

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Exhibit A

Instructions

1. You are required in responding to these requests to obtain and produce all responsive documents in your possession, custody, or control.
2. Where specific documents are requested, such a request shall be interpreted to include any other documents that contain information relevant or responsive to the request other than exact duplicate documents.
3. Each request represents a continuing and ongoing request for production. If additional responsive documents are created or received after service of your responses to these requests, you must promptly produce such documents without another or further request and revise and serve updated discovery responses consistent with the Federal Rules of Civil Procedure.
4. Any request propounded in the disjunctive shall also be read as propounded in the conjunctive and vice versa. Any request propounded in the singular shall also be read as propounded in the plural and vice versa. Any request propounded in the present tense shall also be read as propounded in the past tense and vice versa.
5. The terms “and” and “or” shall be construed either conjunctively or disjunctively as necessary to bring within the scope of a request all responses that might otherwise fall outside the scope of that request.
6. The word “each” shall be understood to include and encompass “every” and vice versa. The words “all” and “any” shall be understood to mean “any and all.”
7. If a request calls for the production of a document (or part of a document) as to which you claim any privilege, separately set forth in a privilege log each and every fact on which your claim of privilege is based with sufficient specificity to permit the Court to make a determination as to whether your claim of privilege is valid, including, but not limited to: (a) a description of the information or communications; (b) the date and time of the information or communications; (c) the author or authors of the information or communications; (c) the basis upon which the privilege is claimed; and (d) the identity of each person to whom the information or contents of the communication have been disclosed, whether orally, electronically, or in writing.
8. No request shall be left unanswered. If the answer to a request or subparagraph of a request is “none” or “unknown,” the word “none” or “unknown” must be written in the answer. If the request is inapplicable, “n/a” must be written as the response.
9. All photographs, video, and audio recordings responsive to a request shall be produced in the format in which they were originally created.

10. All documents that are physically attached to each other when located for production shall be left so attached. Documents that are segregated or separated from other documents, whether by inclusion of binders, files, subfiles, or by use of dividers, tabs, clips, or any other method, shall be left so segregated or separated.
11. If a document contains color markings and it is necessary to see those markings in their original color to understand the meaning or content of the document, the document shall be produced in its original colors.
12. Unless otherwise specified, the time period applicable to these requests is September 4, 1995, to the present.

Definitions

1. “*Commonwealth v. Outlaw*” means the case filed in the Philadelphia Court of Common Pleas entitled *Commonwealth of Pennsylvania v. Donald Outlaw*, Docket No. CP-51-CR-1101321-2003 and includes all appellate and state and federal post-conviction proceedings stemming therefrom.
2. “Communication(s)” means the transmission of information or data in any form, including, without limitation, written, oral, or electronic transmissions, **such as emails, text messages, or voicemails.**
3. “Criminal defense attorney(s)” means any attorney retained to represent Mr. Outlaw in the case of *Commonwealth v. Outlaw*.
4. “Document(s)” includes all materials listed Federal Rule of Civil Procedure 34(a) (including, but not limited to, written, typewritten, printed, recorded, taped, graphic, magnetic, photographed, filmed, and computer-based materials). If a document has been prepared in several copies, or additional copies have been made that are not identical (or no longer identical due to subsequent notation or modification of any kind whatever, including, but not limited to, notations on the backs of pages thereof) each non-identical copy is a separate document to be produced.

Requests

1. All communications to or from you, on the one hand, and any of the following individuals, on the other: (a) Charles Paladino; (b) Lamar Rodgers; (c) Eric Lee; (d) Yusef Brown; (e) Wesley Harmon; (f) Derrick Allston; (g) Christopher Holder; (h) Lemuel Barr/Bar; (i) Marie Rodgers; (j) Nicole Clark; (k) Yashon Williams; (l) Jibrail Jones; (m) Saniyaah Williams; (n) Keith Rodgers; (o) Kevin Rodgers; (p) Brenda Rodgers; and (q) Katima Jackson. Please note that this request is intended to also include any pseudonyms used by these individuals, so long as you understand those pseudonyms to be synonymous with the names referenced.

2. All communications to or from you and Mr. Outlaw's criminal defense attorneys (including his trial level, appellate, and post-conviction attorneys) about the case of *Commonwealth of Pennsylvania v. Donald Outlaw*, Docket No. CP-51-CR-1101321-2003.
3. All documents reflecting any form of payment or goods, either directly or indirectly, between you, on the one hand, and any of the following individuals, on the other hand: (a) Charles Paladino; (b) Lamar Rodgers; (c) Eric Lee; (d) Yusef Brown; (e) Wesley Harmon; (f) Derrick Allston; (g) Christopher Holder; (h) Lemuel Barr/Bar; (i) Marie Rodgers; (j) Nicole Clark; (k) Yashon Williams; (l) Jibrail Jones; (m) Saniyaah Williams; (n) Keith Rodgers; (o) Kevin Rodgers; (p) Brenda Rodgers; and (q) Katima Jackson. Please note that this request is intended to also include any pseudonyms used by these individuals, so long as you understand those pseudonyms to be synonymous with the names referenced.
4. All communications reflecting your efforts to obtain legal records on behalf of Mr. Outlaw from his former or current criminal defense attorneys for use in the instant civil suit or in the underlying case of *Commonwealth of Pennsylvania v. Donald Outlaw*.
5. All records obtained from Mr. Outlaw's criminal defense attorneys who currently represent him or formerly represented him in the case of *Commonwealth of Pennsylvania v. Outlaw*.
6. Documents sufficient to reflect the joint income received by you and Mr. Outlaw during the tenure of your marriage.
7. Documents sufficient to show all income received by either you or Mr. Outlaw through Outlaw Tender Touch Home Care, LLC.
8. All of Mr. Outlaw's medical or mental health records that you currently have in your possession.
9. All of Mr. Outlaw's legal records that you currently have in your possession, provided that the records pertain to the case of *Commonwealth of Pennsylvania v. Outlaw*.

EXHIBIT B

(Monique Solomon-Outlaw Deposition Transcript)

7/22/2022

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

DONALD MICHAEL OUTLAW, :
Plaintiff, : Civil Action No. 21-1290
v. :
CITY OF PHILADELPHIA, :
et al., :
Defendants. :

- - -

Friday, July 22, 2022

- - -

Videotaped Deposition of MONIQUE SOLOMON
OUTLAW, taken pursuant to Notice, commencing
at 10:14 a.m., 1515 Arch Street, 14th Floor,
Philadelphia, Pennsylvania 19102, before Taneha
Carroll, Court Reporter - Notary Public, there
being present.

Monique Solomon
7/22/2022

1 A P P E A R A N C E S:

2

3 VSCP LAW

4 BY: JOSHUA VAN NAARDEN, ESQUIRE
Two Commerce Square
5 2001 Market Street, Suite 3700
Philadelphia, Pennsylvania 19103
6 (215)960-0000
jvannaarden@vscplaw.com

7

8 Representing the Plaintiff

9

10 CITY OF PHILADELPHIA - LAW DEPARTMENT

11 BY: DANIELLE ROSENTHAL, ESQUIRE
KATELYN MAYS, ESQUIRE
12 One Parkway
1515 Arch Street, 14th Floor
13 Philadelphia, Pennsylvania 19102
(215)683-5400
14 danielle.rosenthal@phila.gov
katelyn.mays@phila.gov

15

16 Representing the Defendants

17

18

19 ALSO PRESENT:

20

Bill Haze, Videographer

21

22

23

24

7/22/2022

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7/22/2022

P R O C E E D I N G S

- - -

THE VIDEOGRAPHER: We're now on the video record. This is the video deposition of Monique Solomon Outlaw taken in the matter of Donald Outlaw v. the City of Philadelphia, Civil Action No. 21-1290. This deposition is being held at 1515 Arch Street, 14th Floor, Philadelphia, Pa on July 22, 2022 at 10:14 a.m.

I am Bill Haze, the videographer. The court reporter is Taneha Carroll and we're from the firm of Strehlow & Associates. Counsel will now introduce themselves.

MR. VAN NAARDEN: Joshua Van Naarden on behalf of Donald Outlaw. I'm also representing Monique Solomon Outlaw for purposes of the deposition.

MS. ROSENTHAL: Danielle

Monique Solomon
7/22/2022

1 Rosenthal representing Defendants
2 the City of Philadelphia, Howard
3 Peterman and Jeffrey Piree.

4 MS. MAYS: And Katelyn
5 Mays on behalf of the City,
6 Detectives Piree and Peterman.

7 THE VIDEOGRAPHER: The
8 court reporter will now swear in
9 the witness.

10 - - -

11 MONIQUE SOLOMON
12 OUTLAW, having been duly sworn,
13 was examined and testified as
14 follows:

15 - - -

16 COURT REPORTER: Usual
17 stipulations?

18 MS. ROSENTHAL: Usual
19 stipulations.

20 MR. VAN NAARDEN: She's
21 going to retain the right to read
22 and sign. But other than that,
23 normal stipulations will apply.

24 - - -

Monique Solomon
7/22/2022

1 EXAMINATION

2 - - -

3 BY MS. ROSENTHAL:

4 Q. So thank you so much for coming to
5 be deposed today. I introduced myself, but
6 I'm Danielle Rosenthal and I represent the
7 City and the two detectives who are
8 defendants in this case, and I will be
9 conducting your deposition today and I have
10 my co-counsel here --

11 MS. MAYS: Good morning.

12 THE WITNESS: Good
13 morning. Nice to meet you.

14 BY MS. ROSENTHAL:

15 Q. -- Katelyn Mays. So I just want
16 to go over some ground rules at the
17 beginning of the deposition just to make
18 sure that we understand one another.

19 First of all, do you understand
20 that we're testifying under -- that you are
21 testifying under oath today and you're
22 legally obligated to tell the truth under
23 the penalty of perjury?

24 A. I do.

1 Q. You also must provide verbal
2 responses to my questions. The court
3 reporter can't take down gestures or
4 uh-huh, so yes or no or other words would
5 help it go smoother and give us a cleaner
6 record. Do you understand that?

7 A. Yes.

8 Q. And if you don't understand or
9 hear a question, please let me know and I'm
10 happy to repeat it or rephrase it and ask
11 the court reporter to read it back. If you
12 answer a question, I will assume that you
13 both heard the question and understood the
14 question. Do you understand that?

15 A. Yes.

16 Q. And I'm going to be asking you
17 today about certain events that occurred
18 quite a while ago. If you have an actual
19 present recollection of the matter called
20 for by my questions even if that
21 recollection is faint, please give us that
22 recollection.

23 But this isn't supposed to be a
24 memory contest or designed to trip you up.

1 So if you don't recall, simply say that
2 since we don't want you to rely on
3 speculation or guess in your answers. Do
4 you understand that?

5 A. Yes.

6 Q. And also, if you don't know the
7 answer to a question, that also is a
8 perfectly acceptable response. Do you
9 understand that?

10 A. Yes.

11 Q. If you want at any point to craft
12 an answer to the current question or to a
13 previous question if something jogs your
14 memory or you realize that you misspoke,
15 you can do so and let me know. Do you
16 understand that?

17 A. Yes.

18 Q. So another thing that will make
19 the deposition go smoother is that we try
20 not to talk over one another. I'll do my
21 best to let you finish answering a question
22 before I begin asking one, and I'd ask you
23 to do the same because the court reporter
24 has trouble when we're talking over one

1 another. Do you understand that?

2 A. Yes.

3 Q. And if you want to take a break at

4 any point, please let me know and we will.

5 If there's a question pending, then I need

6 an answer to the question before we take a

7 break. But otherwise, you're free to take

8 a break at any point, and that we'll

9 probably also take short breaks and break

10 for lunch. Do you understand that?

11 A. Yes.

12 Q. And if you need to consult with

13 your attorney at any time, please also let

14 me know and you have the right to do that.

15 Do you understand that?

16 A. Yes.

17 Q. Do you have any questions for me

18 about the deposition?

19 A. No.

20 Q. Okay. So I understand you have

21 some legal background so I'm sure you're

22 familiar with these introductory questions.

23 The one question we ask everyone is whether

24 you took any prescription medications or

1 substances in the last 24 hours that could
2 impair your memory, your ability to
3 understand the questions or your ability to
4 testify fully and truthfully?

5 A. No.

6 Q. Is there any other reason today
7 that you may not be able to recall events
8 or testify fully and truthfully today?

9 A. No.

10 Q. Are you testifying with counsel
11 today or are you represented by counsel
12 today?

13 A. Yes, I am.

14 Q. Can you identify him for the
15 record?

16 A. Josh Van Naarden.

17 Q. And what's your understanding of
18 the scope of your representation?

19 MR. VAN NAARDEN:

20 Objection.

21 MS. ROSENTHAL: You can
22 answer, if you know.

23 MR. VAN NAARDEN: If you
24 understand it.

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1 THE WITNESS: He's my
2 attorney.

3 BY MS. ROSENTHAL:

4 Q. Do you understand whether he
5 represents you for purposes other than
6 defending this deposition?

7 MR. VAN NAARDEN:
8 Objection.

9 THE WITNESS: I don't get
10 the question.

11 MS. ROSENTHAL: Okay.
12 Let me move on. Let me move on.
13 I may come back to that or not.

14 BY MS. ROSENTHAL:

15 Q. Are you paying any legal fees for
16 your deposition today?

17 MR. VAN NAARDEN:
18 Objection. Don't answer that
19 question.

20 MS. ROSENTHAL: On what
21 grounds?

22 MR. VAN NAARDEN:
23 Privileged.

24 MS. ROSENTHAL: Payment

Monique Solomon
7/22/2022

1 of legal fees is not privileged.
2 But if we have a dispute about
3 that, we can just leave that for
4 the record.

5 BY MS. ROSENTHAL:

6 Q. Have you been deposed before?

7 A. No.

8 Q. Have you testified in court
9 before?

10 A. Yes.

11 Q. When or let me start with how many
12 times?

13 A. Once.

14 Q. And was that in Mr. Outlaw's PCRA
15 hearing?

16 A. Yes.

17 Q. Have you testified in court in
18 connection with any other proceeding?

19 A. No.

20 Q. Any other legal proceeding like an
21 arbitration have you testified?

22 A. No.

23 Q. Have you ever been a party in a
24 criminal or civil case?

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1 A. A civil case, yes.

2 Q. And when or what was the nature of
3 that case?

4 A. A motor vehicle accident.

5 Q. And were you a plaintiff or a
6 defendant?

7 A. Defendant.

8 Q. And was that in state court?

9 A. Yes.

10 Q. Do you know which county?

11 A. Philadelphia.

12 Q. Do you know around what time
13 period it was?

14 A. Maybe 2016. I'm not 100 percent
15 sure.

16 Q. Some time in the last 10 years?

17 A. Yes.

18 Q. And do you remember any of the
19 other parties in that case?

20 A. My son was a defendant.

21 Q. Sorry?

22 A. My son was a defendant.

23 Q. Okay. And what was his name or is
24 his name?

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1 A. DeAndre Solomon.

2 Q. Do you know who brought the case?

3 A. The plaintiff, the person involved
4 in the accident.

5 Q. I'm just trying to -- I'm just
6 trying to get an idea if you remember his
7 or her name in case we wanted to look it
8 up?

9 A. I don't remember the person's
10 name.

11 Q. Okay. And what was the outcome of
12 that case?

13 A. I don't think it went to
14 arbitration. I believe it settled before
15 arbitration. I'm not 100 percent sure.

16 Q. And you have never been a party in
17 this criminal case?

18 A. No.

19 Q. Have you ever been arrested
20 before?

21 A. No.

22 MR. VAN NAARDEN:

23 Objection. You can answer.

24 BY MS. ROSENTHAL:

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1 Q. And in the state court case, I
2 assume that you didn't -- based on your
3 previous testimony, you didn't testify and
4 you weren't deposed in that case?

5 A. No.

6 Q. Did you do any sort of preparation
7 in advance of your deposition today --
8 yeah, sorry, strike that. Did you do any
9 preparation in advance of your deposition
10 today?

11 A. Yes.

12 Q. Please describe that preparation
13 without revealing anything that
14 Mr. Van Naarden or his co-counsel told you
15 during conversations?

16 A. I just reviewed the subpoena.

17 Q. And when you say the subpoena, are
18 you referring to the subpoena for the
19 deposition?

20 A. No, the subpoena for the documents
21 I had to produce.

22 Q. Okay. So I just want to be clear
23 because the subpoena for the deposition
24 today also had a request for documents.

Monique Solomon
7/22/2022

1 Are you referring to the subpoena
2 that was served several months ago that was
3 just a request for documents?

4 A. I'm not sure.

5 Q. Okay. And did you review the
6 documents that have been produced in
7 response to the subpoena?

8 A. No.

9 Q. So you only reviewed the subpoena
10 itself?

11 A. Yes.

12 Q. I'm not asking what your
13 communications with Mr. Van Naarden or his
14 co-counsel were, but did you meet with him
15 in preparation? Did you meet with him or
16 anyone else in his office in preparation
17 for the deposition today?

18 MR. VAN NAARDEN:

19 Objection. I'll let you answer
20 that question.

21 THE WITNESS: I met with
22 him this morning to come over
23 here.

24 BY MS. ROSENTHAL:

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1 Q. Okay. Did you meet with him to go
2 over -- to prepare for the deposition
3 though?

4 A. Yes.

5 Q. And was that this morning?

6 A. Yes.

7 MR. VAN NAARDEN:

8 Objection.

9 MS. ROSENTHAL: Can she
10 answer?

11 MR. VAN NAARDEN: She
12 did.

13 MS. ROSENTHAL: Okay.

14 BY MS. ROSENTHAL:

15 Q. So today is the only time that you
16 met with him to prepare for the deposition?

17 MR. VAN NAARDEN:

18 Objection. You can answer that
19 question.

20 THE WITNESS: No.

21 BY MS. ROSENTHAL:

22 Q. Okay. So if you met with
23 attorneys in preparation for the deposition
24 today, how many times did you meet with

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1 them?

2 MR. VAN NAARDEN:

3 Objection. You can answer that
4 question.

5 THE WITNESS: Two times
6 maybe.

7 BY MS. ROSENTHAL:

8 Q. And this morning was one of them?

9 A. Yes.

10 Q. When was the other time?

11 MR. VAN NAARDEN:

12 Objection.

13 MS. ROSENTHAL: On what
14 basis?

15 MR. VAN NAARDEN: It's
16 privileged. Getting into the
17 intricacies of when we met, how
18 long we met, you're not entitled
19 to know that information.

20 MS. ROSENTHAL: Are you
21 instructing her to not to answer?
22 I will disagree that it's
23 privileged.

24 MR. VAN NAARDEN: Any

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1 further questions regarding the
2 timing associated or the time
3 spent in preparation meeting with
4 counsel, she's not going to answer
5 any more questions.

6 MS. ROSENTHAL: Okay.

7 I'm going to -- I would disagree
8 with that, but let me move on and
9 we can maybe discuss that later
10 off the record.

11 BY MS. ROSENTHAL:

12 Q. Did you review any documents --
13 without revealing any documents that were
14 shown to you by Mr. Van Naarden, I'm asking
15 any documents that were shown, did you
16 review any documents in preparation for --

17 A. No.

18 Q. When you -- and I'm asking this
19 because I'm unsure if this is within the
20 scope of what Mr. Van Naarden directed you
21 not to answer, but I'm sure he will direct
22 you not to answer if he feels it's
23 appropriate.

24 On the date that you met with

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1 counsel to prepare for the deposition, was
2 anyone else other than attor -- other than
3 attorneys present?

4 MR. VAN NAARDEN:

5 Objection.

6 BY MS. ROSENTHAL:

7 Q. At the meeting?

8 MR. VAN NAARDEN:

9 Objection. Don't answer that.

10 MS. ROSENTHAL: That's
11 directly relevant to whether -- I
12 mean, it's not privileged to the
13 extent who was at a meeting with
14 attorneys. To the extent there
15 were third parties there, that
16 would destroy the privilege.

17 MR. VAN NAARDEN: You're
18 not entitled to know if my
19 paralegals were there, if my law
20 clerks were there or if my other
21 clients were there who had
22 interests that were aligned with
23 hers.

24 MS. ROSENTHAL: Okay.

1 Let me strike that question and
2 re-ask it. And Mr. Van Naarden
3 may object if he feels it's still
4 objectionable.

5 BY MS. ROSENTHAL:

6 Q. When I said were any other lawyers
7 there, I was referring to anyone affiliated
8 with his firm, paralegals, any staff,
9 investigators. I'm not including clients
10 who are aligned with your interests.

11 Was anyone else present for that
12 conversation?

13 MR. VAN NAARDEN:

14 Objection. And again, my
15 objection is that there is not --
16 I don't understand the question.

17 MS. ROSENTHAL: Okay.

18 Sorry.

19 BY MS. ROSENTHAL:

20 Q. Other than -- other than any
21 office staff employed by Mr. Van Naarden or
22 any investigators or contractors working on
23 his behalf, were any other individuals
24 present during your meetings in preparation

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1 for your deposition today?

2 MR. VAN NAARDEN: I
3 object and I'm going to instruct
4 her not to answer. There are -- I
5 represent two individuals in this
6 case whose interests are aligned.
7 You're not entitled to know if
8 they're both present in our
9 attorney-client meetings.

10 MS. ROSENTHAL: Okay. I
11 understand your objection. And I
12 would like to -- I believe I
13 disagree with it, but I want to
14 think on it for a moment. And so,
15 we will return.

16 BY MS. ROSENTHAL:

17 Q. Did you speak to anyone other than
18 counsel who are representing you in
19 preparation for today's deposition about
20 the deposition today other than in the
21 presence of counsel?

22 MR. VAN NAARDEN:
23 Objection. Again, Danielle, I'm
24 not going to be difficult. But

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1 you said in your question any
2 other individuals representing
3 her so --

4 MS. ROSENTHAL: Sorry --

5 MR. VAN NAARDEN: I'm
6 not --

7 MS. ROSENTHAL: Strike
8 that. I may have misspoke.

9 BY MS. ROSENTHAL:

10 Q. Other than the attorneys who are
11 representing you for purposes of this
12 deposition, did you speak to any other
13 individuals about your deposition today,
14 and I'm excluding from the question any
15 meetings where attorneys were present?

16 A. No.

17 Q. So you did not speak to Mr. Outlaw
18 outside of the presence of attorneys about
19 the deposition today?

20 A. Well, like, he's my husband and he
21 knows I'm here because he's my husband, but
22 that's about it.

23 Q. Did you talk to him about the
24 deposition other than the fact that you

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1 were going to be deposed and you were
2 scheduled to be deposed today?

3 A. No.

4 Q. Did you have any meetings with
5 anyone else in preparation with today's
6 deposition who are unaffiliated with
7 Mr. Van Naarden's office?

8 A. No.

9 Q. Have you spoken to any of
10 Mr. Outlaw's lawyers or investigators in
11 the civil matter about the case other than
12 in connection with the subpoena for
13 documents directed towards you or in
14 preparation for the deposition?

15 MR. VAN NAARDEN:

16 Objection of the form.

17 BY MS. ROSENTHAL:

18 Q. You can answer.

19 A. Can you repeat the question?

20 MS. ROSENTHAL: Sure.

21 Can the court reporter repeat it?

22 COURT REPORTER: Sure.

23 I'm sorry. My scroll is not
24 working. Let me just fix it real

1 quick.

2 MS. ROSENTHAL: That's

3 okay. Let me just rephrase.

4 BY MS. ROSENTHAL:

5 Q. My question is whether you've
6 spoken to any of Mr. Outlaw's lawyers or
7 investigators about this civil case other
8 than about your compliance with the
9 subpoena that was directed with you,
10 towards you or for preparation for today's
11 deposition?

12 MR. VAN NAARDEN:

13 Objection. Assuming that excludes
14 me and my office?

15 MS. ROSENTHAL: No, I'm
16 asking whether you had any
17 communications with them other
18 than -- excluding communications
19 that are within the scope of his
20 representation of you in complying
21 with the subpoena or in preparing
22 for the deposition?

23 THE WITNESS: I don't
24 understand the question, like what

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1 you're asking.

2 MS. ROSENTHAL: Okay.

3 Let me come back to that.

4 BY MS. ROSENTHAL:

5 Q. Did you make any notes in
6 preparing for the deposition?

7 A. No.

8 Q. Did you read any transcripts prior
9 to the deposition in this matter?

10 A. No.

11 Q. Did anyone speak to you about what
12 was said during the prior depositions in
13 this matter?

14 A. No.

15 Q. Did you bring any documents with
16 you today?

17 A. No.

18 Q. Are you familiar with the
19 complaint and the allegations in this case?

20 A. Yes, I'm familiar.

21 Q. Have you read the complaint in
22 full?

23 A. No.

24 Q. Have you seen the complaint at

1 all?

2 A. Yes, I've seen it.

3 Q. So what would you say your -- so
4 how would you describe your review of it?

5 MR. VAN NAARDEN:

6 Objection. You can answer.

7 THE WITNESS: Just that
8 it was long.

9 BY MS. ROSENTHAL:

10 Q. I'm asking more whether, you know,
11 you skimmed. You said you didn't read the
12 whole thing. So I'm trying to get an idea
13 of how much you read and however you would
14 describe in your own words?

15 A. Not enough for me to remember
16 exactly what was in it.

17 Q. When was that, that you read it?

18 A. I don't recall the date.

19 Q. Was it one or multiple times?

20 A. I don't remember how many times.

21 Q. Have you looked at the complaint
22 in the past month?

23 A. No.

24 Q. Did you review the complaint prior

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1 to its filing?

2 A. Yes.

3 Q. Did you review drafts of the
4 complaint that were nonfinal?

5 COURT REPORTER: I'm
6 sorry. Did you say nonfiling?

7 BY MS. ROSENTHAL:

8 Q. Oh, sorry. Did you review drafts
9 of the complaint that were not final?

10 MR. VAN NAARDEN: I'm
11 going to object to that question
12 to the extent it asks for
13 privileged, a work product
14 information between clients, so
15 she's not going to answer those
16 questions.

17 MS. ROSENTHAL: Okay. I
18 would disagree -- put on the
19 record I would disagree she wasn't
20 a client and so her -- you had no
21 attorney-client relationship at
22 that point in her reading the
23 complaint as far as attorney-
24 client privilege. But I will

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1 contemplate how and if to take
2 that up with the judge. You're
3 instructing her not to answer it
4 though?

5 MR. VAN NAARDEN: You
6 never established when our
7 attorney-client relationship was
8 engaged.

9 BY MS. ROSENTHAL:

10 Q. Sorry. Do you -- has Mr. Out --
11 what is your -- I asked this question
12 before, but I'm going to ask one more time,
13 maybe phrase it a little differently.

14 Do you -- well, are you -- first
15 of all, am I correct that you're employed
16 as a paralegal?

17 A. Yes.

18 Q. Given your background as a
19 paralegal, do you have any understanding of
20 the phrase scope of representation?

21 A. No, that's not a term that we use.

22 Q. Do you understand that a lawyer
23 could represent an individual for certain
24 purposes, but not others in a case?

1 A. Yes.

2 Q. Is it your understanding that
3 Mr. Van Naarden is representing you only
4 for purposes of complying with the
5 documents, subpoena and defending your
6 deposition today?

7 A. I'm not sure. I just know he
8 represents me so...

9 Q. Okay. So you don't know what the
10 scope of your representation is? You don't
11 know what purposes he represents you for in
12 this case?

13 A. No, just that he's my attorney.

14 Q. Do you have a retention agreement
15 with him?

16 MR. VAN NAARDEN:

17 Objection. Don't answer that.

18 MS. ROSENTHAL: That's
19 not privileged. I would disagree
20 with that.

21 BY MS. ROSENTHAL:

22 Q. When did -- what is your
23 understanding when Mr. Van Naarden came to
24 begin representing you?

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1 A. When he started representing my
2 husband.

3 Q. And when was that?

4 A. I don't remember the exact date.

5 Q. What's your understanding of what
6 this case is about?

7 MR. VAN NAARDEN:

8 Objection. You can answer.

9 MS. ROSENTHAL: What's
10 the basis of your objection?

11 MR. VAN NAARDEN: It
12 doesn't have a reasonable basis to
13 lead to admissible evidence. Her
14 understanding of what the
15 complaint is about has nothing to
16 do with any of the elements that
17 we're pursuing or any of the
18 defense.

19 She's not a party and
20 therefore asking a nonlawyer about
21 what the legal ramifications are
22 about a complaint is
23 inappropriate, but I'll let her
24 answer the question.

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1 MS. ROSENTHAL: Okay.

2 Great.

3 BY MS. ROSENTHAL:

4 Q. What is your understanding of what
5 this case is about?

6 MR. VAN NAARDEN:

7 Objection.

8 THE WITNESS: My
9 understanding is that my husband
10 Donald wants the City and the
11 detectives to be held accountable
12 for their actions where they --
13 where they failed to do the right
14 thing.

15 BY MS. ROSENTHAL:

16 Q. Do you know what the claims are in
17 this case?

18 A. Him being in prison for a crime he
19 did not commit.

20 Q. Do you know what the specific
21 legal violations are that are alleged?

22 MR. VAN NAARDEN: Again,
23 objection. But you can answer.

24 THE WITNESS: I believe

1 his civil rights.

2 BY MS. ROSENTHAL:

3 Q. In what respect?

4 A. Well, the fact that he was
5 incarcerated for 16 years, the fact of the
6 damages that he suffered while being
7 incarcerated, his trauma that he's
8 experienced while being incarcerated.

9 Q. Do you know what the allegations
10 are specifically against Detective
11 Peterman?

12 A. I believe that he withheld
13 evidence.

14 Q. Anything else?

15 A. I'm not sure.

16 Q. What about Detective Piree?

17 A. I believe him withholding
18 evidence. I'm not 100 percent sure.

19 Q. Have you discussed the complaint
20 with Mr. Outlaw?

21 A. Yes.

22 Q. And how many occasions would you
23 say you can approximate if you're not sure?

24 A. I'm not really sure how many

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1 times. And when we did speak about the
2 complaint, it was just, like, I guess like
3 husband-and-wife conversations where, you
4 know, just, you know, his case being
5 vacated and, you know, just I guess, like,
6 the shock of him finally having his life
7 back and wanting to hold these detectives
8 or the City of Philadelphia accountable
9 for, like, ruining his life.

10 Q. Do you know what the allegations
11 specifically are as they pertain to the
12 City of Philadelphia?

13 A. No, not really.

14 Q. Have you talked to anyone else
15 besides Mr. Outlaw about the complaint or
16 this lawsuit?

17 MR. VAN NAARDEN:
18 Objection to the extent asking for
19 privileged information and
20 discussions with counsel.

21 MS. ROSENTHAL: I
22 would -- you know, let's come back
23 to that. There's a lot of
24 privileged issues and it makes

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1 sense to return to them after
2 consideration.

3 BY MS. ROSENTHAL:

4 Q. What's your understanding for
5 relief Mr. Outlaw's seeking in this action?

6 A. I don't really know how to answer
7 that question because it's like how can
8 anybody put a value on his life. Like, he
9 missed out on so much. He was away for 16
10 years. He can't get that time back, um --

11 Q. So when you -- sorry. Are you
12 finished? I don't want to cut you off.

13 A. He can't get that time back, and
14 more than anything he just wants, you know,
15 the people that were supposed to do the
16 right thing to be held accountable so that,
17 you know, this doesn't happen to somebody
18 else.

19 Q. So when you said that you don't
20 know how you can put a value on life,
21 correct me if I'm wrong, but did you mean
22 by that, that were you referring to money
23 damages?

24 A. Just his life. Like, when you say

1 what type of relief is he expecting in
2 filing this lawsuit, it's like, well, he
3 missed 16 years of his life, so how can you
4 get some type of relief of missing 16 years
5 of your life because you can't get that
6 time back, you can't get that experience
7 back and how do you rebuild and repair
8 after you missed so much time.

9 Q. Well, do you understand that
10 Mr. Outlaw is seeking specific forms of
11 relief in this action? I guess my question
12 is a little different.

13 My question is to what is your
14 understanding, if you have one, of what
15 relief Mr. Outlaw is specifically seeking
16 in this lawsuit?

17 MR. VAN NAARDEN: Asked
18 and answered. Objection. You can
19 answer again.

20 THE WITNESS: Well, it's
21 a civil complaint so obviously
22 he's looking for some type of
23 financial compensation.

24 BY MS. ROSENTHAL:

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1 Q. Okay. That was my question. So
2 it's your understanding he's seeking
3 damages? Do you have -- yes?

4 A. Yes.

5 Q. Okay. And do you have an
6 understanding of how much money he's
7 seeking?

8 A. No.

9 Q. Have you discussed it with him?

10 A. No. From my understanding, I
11 believe it's like the jury's job to put a
12 value on it.

13 Q. Has he made any remarks to you
14 about how much money he would expect to
15 receive either specifically or generally?
16 For example, hundreds of thousands of
17 dollars, millions of dollars, have you had
18 any discussions like that?

19 A. No. More than anything, like, he
20 just wants his life back and to pick up the
21 pieces where his life was taken.

22 Q. If Mr. Outlaw does obtain money as
23 part of the settlement or judgment in this
24 case, is it your understanding that the

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1 money would be marital property?

2 MR. VAN NAARDEN:

3 Objection.

4 MS. ROSENTHAL: You can
5 answer.

6 MR. VAN NAARDEN: No, I'm
7 thinking about it. I'll let her
8 answer the question.

9 MS. ROSENTHAL: Do you
10 still have an objection or --

11 MR. VAN NAARDEN: I still
12 have an objection, yes.

13 MS. ROSENTHAL: Okay.

14 MR. VAN NAARDEN: What
15 individuals do with settlements or
16 verdict money is not an
17 appropriate fodder for
18 investigation, but I'll let her
19 answer this question.

20 MS. ROSENTHAL: Can you
21 read back the question?

22 MR. VAN NAARDEN: It also
23 asks for -- I'm sorry. It also
24 asks for a legal analysis of

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1 marital laws for which she has no
2 experience.

3 MS. ROSENTHAL: Well, I'm
4 asking for just to clarify your
5 understanding if you have one.

6 COURT REPORTER: I'm
7 sorry. Can you repeat that --

8 MS. ROSENTHAL: Sure.
9 Let me just repeat the question.

10 BY MS. ROSENTHAL:

11 Q. So if you do have an
12 understanding, if Mr. Outlaw obtains money
13 as part of the settlement or judgment in
14 this case, is it your understanding that
15 the money would be marital property,
16 meaning it would be shared?

17 MR. VAN NAARDEN:
18 Objection. You can answer.

19 THE WITNESS: My
20 understanding of our marriage is
21 that what's mine is his and what's
22 his is mine, so we share
23 everything.

24 BY MS. ROSENTHAL:

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1 Q. So would it be fair to say that if
2 Mr. Outlaw obtained money as part of the
3 settlement or judgment, you would have a
4 financial benefit to that?

5 MR. VAN NAARDEN:

6 Objection. You can answer.

7 THE WITNESS: Again, we
8 are married and we share
9 everything so --

10 BY MS. ROSENTHAL:

11 Q. I'm just looking for a yes or no.
12 Would it be financially beneficial for
13 Mr. Outlaw to obtain mon -- strike that.

14 Would it be financially beneficial
15 to you personally for Mr. Outlaw to obtain
16 money as a part of the settlement or
17 judgment in this case?

18 MR. VAN NAARDEN:

19 Objection. Asked and answered.
20 And not reasonably calculated to
21 lead to discoverable evidence.
22 I'll let you answer it again
23 however you so choose.

24 THE WITNESS: Can you

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1 repeat the question?

2 COURT REPORTER: I'm

3 sorry. I'm trying to -- my

4 computer is about to die --

5 MS. ROSENTHAL: Do you

6 remember the --

7 COURT REPORTER: Excuse

8 me. This is not working at all.

9 MS. ROSENTHAL: Can we go

10 off the record.

11 THE VIDEOGRAPHER: We're

12 now going off record. The time is

13 10:50 a.m.

14 (Brief recess.)

15 THE VIDEOGRAPHER: We're

16 now back on record. The time is

17 now 10:57 a.m.

18 BY MS. ROSENTHAL:

19 Q. What is your home address?

20 A. 241 Cambridge Road, Clifton

21 Heights, Pennsylvania.

22 Q. Oh, and sorry. I should have done

23 this at the very beginning. Can you state

24 your full name for the record?

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1 A. Monique Solomon Outlaw.

2 Q. Okay. Your legal name is Solomon
3 Outlaw?

4 A. Yes.

5 Q. I saw Solomon in some places and
6 just wanted to be sure. How long have you
7 lived at this address?

8 A. Since June of 2016.

9 Q. Have you lived there continuously
10 in that time period?

11 A. Yes.

12 Q. Do you own it or rent?

13 A. Own.

14 Q. And you purchased the property in
15 June 2016?

16 A. Yes.

17 Q. Okay. And is it owned exclusively
18 by you or are there any other co-owners?

19 A. Just myself.

20 Q. So Mr. Outlaw is not on the deed
21 or mortgages?

22 A. No.

23 Q. Who do you live with currently?

24 A. Me and Donald.

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1 Q. Okay. No other family members
2 live with you?

3 A. No.

4 Q. Okay. Did -- was there a time in
5 the past where your son had lived with you?

6 A. Yes.

7 Q. And is that DeAndra?

8 A. DeAndre.

9 Q. When did he move out?

10 A. Maybe two years ago.

11 Q. And do you own any other
12 properties besides 241 Cambridge Road?

13 A. No.

14 Q. Has Mr. Outlaw lived at that
15 address from the time he was released from
16 his incarceration to the present?

17 A. No.

18 Q. What time periods did he live
19 elsewhere?

20 A. When he was on house arrest.

21 Q. And was that immediately after he
22 was released?

23 A. Yes.

24 Q. And where was he living then?

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1 A. His sister's house.

2 Q. What sister?

3 A. Shanita Star.

4 Q. Okay. And where is that? Sorry.

5 Where is her address?

6 A. 1914 74th Avenue.

7 Q. In Philadelphia?

8 A. Yes.

9 Q. And did he live there continuously
10 while on house arrest?

11 A. No. We later went to another
12 house --

13 Q. When -- sorry. Go ahead.

14 A. I'm not sure of the exact address,
15 but I think it's 4862 North 15th Street.

16 Q. And why is it that he was living
17 with his sister while on house arrest? Is
18 there a reason why he could not live with
19 you?

20 A. He had to stay in Philadelphia and
21 I don't live in Philadelphia.

22 Q. Okay. And when you said that we
23 went to a different address, were you
24 referring to you and him?

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1 A. Yes.

2 Q. Okay. So what -- I just want to
3 make sure I understand your testimony. I
4 thought you had testified earlier that
5 you --

6 A. Well, I actively do live at my
7 house. But when he got off of house
8 arrest, I did stay nights at his sister's
9 house.

10 Q. Okay. So his sister moved to
11 North 15th Street?

12 A. No.

13 Q. Okay.

14 A. His sister lives at 1914 74th
15 Avenue.

16 Q. So you stayed nights there?

17 A. I would stay nights there. And
18 then he went to 15th Street which I also
19 was at 15th Street with him too in addition
20 to being at my house.

21 Q. Okay. So were you living part-
22 time at 15th Street?

23 A. Yes.

24 Q. But your legal residence was still

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1 241 Cambridge?

2 A. Yes.

3 Q. Okay. And do you know what time
4 period he moved to North 15th Street?

5 A. I want to say maybe November until
6 he got off of house arrest.

7 Q. Okay. And was anyone else living
8 there besides him?

9 A. No.

10 Q. And was that a property that was
11 leased or owned?

12 A. It was leased.

13 Q. Okay. Was it leased in his name
14 or your name or both of your names?

15 A. No. Well, it wasn't really
16 leased. All the utilities were in my name
17 and I paid the utilities.

18 Q. When you say it wasn't really
19 leased, what do you mean by that?

20 A. Like, we didn't have like an
21 official signed lease.

22 Q. Was it someone who was letting you
23 stay there?

24 A. Yeah, it was a friend letting us

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1 stay there.

2 Q. Okay. Who was the friend?

3 A. I don't know the friend.

4 Q. Okay. And then did he stay there
5 continuously through the end of his house
6 arrest?

7 A. Yes.

8 Q. And then moved to 241 Cambridge
9 Road?

10 A. Yes.

11 Q. And have you both lived there ever
12 since?

13 A. Yes.

14 Q. And where did you live before 241
15 Cambridge?

16 A. 3708 Schuylkill Falls Lane.

17 Q. And how long did you live there
18 for?

19 A. I think I moved there in 2006, but
20 I'm not 100 percent sure when I moved
21 there.

22 Q. So you lived there for about 10
23 years?

24 A. Maybe.

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1 Q. Okay. And who did you live with
2 there, if anyone?

3 A. Me and my son.

4 Q. Did you own or rent that property?

5 A. Rent.

6 Q. Are you presently employed?

7 A. Yes.

8 Q. And who's your employer or
9 employers?

10 A. I work for the Law Office of
11 Robert Katz.

12 Q. Any other employers?

13 A. No.

14 Q. How long have you worked at the
15 Law Office of Robert Katz?

16 A. August of 2012, I believe.

17 Q. What is your position there?

18 A. Paralegal.

19 Q. Have you been a paralegal since
20 August of 2012?

21 A. Yes.

22 Q. Were you employed as a paralegal
23 elsewhere prior to there?

24 A. No, I was a legal secretary prior

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1 to that.

2 Q. With the same office?

3 A. No, a different office.

4 Q. Okay. And the Law Office of
5 Robert Katz, what type of law do they
6 practice?

7 A. Like motor vehicle acci -- well,
8 civil litigation like motor vehicle
9 accidents and slip-and-falls.

10 Q. Just exclusively motor vehicle
11 accidents, slip-and-falls?

12 A. Yes.

13 Q. Okay. And what are your
14 responsibilities as a paralegal?

15 A. I set up insurance claims, help
16 with property damage, draft minors
17 petitions, draft complaints.

18 Q. When you say help with --

19 A. Get --

20 Q. Sorry. Go ahead.

21 A. Get medical records.

22 Q. When you say help with property
23 damage --

24 A. Oh, like helping the client get

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1 their vehicle repaired.

2 Q. Anything else? Any other
3 responsibilities that come to mind?

4 A. Whatever he sees fit for me to do
5 pretty much.

6 Q. Are you the only paralegal?

7 A. Yes.

8 Q. And how many attorneys are there?

9 A. Right now there's just one.

10 Q. Is that Robert Katz?

11 A. Yes.

12 Q. So that's who you report to?

13 A. Yes.

14 Q. Okay. Do you have any
15 responsibility preparing for depositions?

16 A. No.

17 Q. Do you sit in depositions as part
18 of your work responsibility?

19 A. No.

20 Q. Okay. What about responding to
21 subpoenas?

22 A. No.

23 Q. Gathering documents in response to
24 requests for production?

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1 A. Not really. The attorney -- well,
2 the attorney we had before, it was just
3 Robert Katz, because we had another
4 attorney. He would mainly do discovery.

5 Q. Sorry. You said prior -- well,
6 that's probably fine. Have you had any
7 other employers since 2012?

8 A. No, not that I can think of.

9 Q. Okay. What type of training, if
10 any, do you have as a paralegal?

11 A. I have a paralegal certificate.

12 Q. What's entailed in getting a
13 paralegal certificate?

14 A. I took classes.

15 Q. Okay. So like is it yearlong, how
16 long?

17 A. I believe it was a year program.

18 Q. Okay. And do you have any college
19 or post-high school education?

20 A. Yes. I attended Rosemont College.

21 Q. Sorry?

22 A. Rosemont College.

23 Q. What year did you graduate?

24 A. Um --

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1 Q. It's okay. You can give me an
2 estimate.

3 A. That is a very good question.

4 Q. Approximately?

5 A. Maybe -- maybe May of 2017, '18 or
6 '19. Maybe it was '18 or '19 -- or, no,
7 it -- no, maybe it was '18 or '19.

8 Q. Okay. And what degree did you
9 obtain?

10 A. Bachelor's in Business
11 Communication.

12 Q. So were you -- you were attending
13 that program while working full-time?

14 A. Yes.

15 Q. It was a four-year program or --

16 A. It was, but I turned it into a
17 10-year program obviously.

18 Q. Okay. Any other training or
19 education past college?

20 A. Like --

21 Q. Just higher education or you
22 mentioned the paralegal certificate.

23 Anything like that? Did you attend
24 graduate school?

1 A. No.

2 Q. Do you have any other
3 certifications?

4 A. I do have a certification in
5 something to do with my home care, but not
6 really sure exactly what it's called.

7 Q. Okay. I should have asked when I
8 was talking about employers. Are there any
9 businesses that you don't have an
10 employee/employer relationship with, but
11 you're affiliated with, like you have an
12 ownership interest or you work as an
13 independent contractor?

14 A. Yes.

15 Q. What are those?

16 A. I own a home health care business.

17 Q. What's that called?

18 A. It is called Outlaw Tender Touch
19 Home Care, where our touch is family.

20 Q. Are you the only business owner?

21 A. Yes.

22 Q. Okay. And you said you have some
23 certification or something to do with that,
24 but you're not sure what?

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1 A. Yes.

2 Q. Explain what you mean.

3 A. I think it's just like a -- I had
4 took this online seminar for a home health
5 aide maybe like two years ago. I don't
6 even know if it's still active honestly.

7 Q. Is your business still active?

8 A. Yes.

9 Q. Do you have a nursing degree?

10 A. No.

11 Q. So you may be a home health
12 care -- certified home health care aide but
13 you're not sure?

14 A. Excuse me?

15 Q. Sure. Are you saying that you may
16 have taken a home health care aide class,
17 but you're not sure exactly?

18 A. No, I did. I am -- I do have a
19 certificate to be a home health care aide.

20 Q. Okay. But you're not sure if it's
21 still active?

22 A. I don't know if it's still active,
23 but I don't care for any clients or
24 anything like that.

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1 Q. Does your business have any
2 participation in the Medicaid or Medicare
3 program?

4 A. We are currently waiting for
5 Medicare approval.

6 Q. What about Medicaid?

7 A. Medicaid.

8 Q. Have you received any money from
9 either?

10 A. No.

11 Q. Have you served any clients
12 through this business?

13 A. No.

14 Q. Do you have any employees?

15 A. No. It's still up and coming.

16 Q. Have you generated any income at
17 all?

18 A. No.

19 Q. When did you say you started this
20 business?

21 A. I want to say maybe January of
22 2020 is when I got the LLC, I believe. I'm
23 not 100 percent sure.

24 Q. How much money would you say

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1 you've invested in this business total?

2 A. I don't know the exact dollar
3 amount.

4 Q. What's your best guess? You can
5 give me a range.

6 A. Maybe a little over \$1,000. I'm
7 not 100 percent sure.

8 Q. Okay. So it cost \$1,000 about, if
9 you go through all the -- to go through the
10 whole process of registering the business,
11 anything else you have to do, getting
12 Medicare and Medicaid approval?

13 A. I wouldn't say it cost that much.
14 It could be more. I don't have an exact
15 dollar amount.

16 Q. But you would say it's less than
17 \$10,000?

18 A. Oh, yes.

19 Q. So what makes you -- well, has
20 this business filed a tax return at all in
21 any year?

22 A. No, we haven't generated any
23 income.

24 Q. What makes you keep a business

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1 open for two years that hasn't generated
2 any income?

3 A. Well, because I'm still building
4 it and me just personally when I do open, I
5 want it to be put together right and I've
6 literally taken my time with picking a
7 logo, developing our mission statement
8 because this is, like, my baby and I want
9 it to be perfect so I don't want to just,
10 you know, half do something so that's why
11 we're not open because it's not good enough
12 right now.

13 Q. Do you have a website?

14 A. No, I'm still working on that.

15 Q. Do you advertise as being open?

16 A. No.

17 Q. And when did you fill out that --
18 sorry. You said you were working. Let me
19 make sure I heard you right. You're
20 working on Medicare and Medicaid approval?

21 A. Yes, we're waiting for, like, I
22 submitted the application and I'm waiting
23 for it to be approved.

24 Q. Okay. When did you submit the

1 applications?

2 A. April of this year.

3 Q. Have you ever worked as a home
4 health aide?

5 A. No.

6 Q. Has your husband Mr. Outlaw that
7 you know of?

8 A. I'm not sure -- oh, no, he does
9 have a home health aide certificate.

10 Q. Has he ever been employed as one?

11 A. I'm not sure.

12 Q. When did he get the home health
13 aide certificate?

14 A. When he was incarcerated.

15 Q. Does he have any affiliation with
16 Outlaw Tender Touch?

17 A. Not like on paperwork, but we do
18 brainstorm ideas. Like, he helped with the
19 logo and (inaudible).

20 Q. Any other businesses?

21 A. We also own a demolition company.

22 Q. When you say we, do you mean you
23 and your husband?

24 A. Yes.

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1 Q. What's the name of that company?

2 A. Outlaw Demolition & Restoration.

3 Q. And so, are you -- you and

4 Mr. Outlaw are co-owners?

5 A. Yes. I believe my son is on that
6 company too.

7 Q. When you say on it, he --

8 A. Like, he's on the LLC.

9 Q. Okay. And how long has that been
10 open for?

11 A. I believe in 2020. I'm not sure
12 of the exact date.

13 Q. Have you generated any income
14 through that?

15 A. Not really. I don't really handle
16 the demolition. I'm not really involved in
17 that part.

18 Q. Who handles the finances?

19 A. Well, I'm just having a hard time
20 answering that question because it's, like,
21 I don't want to say, like, I don't think
22 any money has generated from the Outlaw
23 Demolition, but I'm not 100 percent sure.

24 Q. Who would know the answer to that?

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1 A. Donald.

2 Q. Has the demolition company filed a
3 tax return, a federal or state tax return
4 to your knowledge since it's been open?

5 A. I'm not 100 percent sure.

6 Q. Have you seen one?

7 A. No.

8 Q. Are you aware if any income has
9 been received through the company has been
10 income that you've accounted for on your
11 own tax return?

12 A. I'm not sure.

13 Q. Do you prepare your tax returns or
14 you have someone else prepare them?

15 A. I not only prepare my tax returns.

16 Q. Do you have an accountant?

17 A. Excuse me?

18 Q. An accountant?

19 A. No, I'm not, which is why I don't
20 do it anymore.

21 Q. Oh, you don't -- when was the last
22 time you filed a tax return?

23 A. 2021.

24 Q. Okay. So --

1 A. Did you -- you asked me am I an
2 accountant or do I have one?

3 Q. Sorry. You said that you don't
4 prepare your tax returns so I was asking if
5 someone else prepared them.

6 A. No, you said --

7 Q. I'm not saying you were an
8 accountant. I'm saying does an accountant
9 prepare your tax returns?

10 A. No. You asked me if I prepared my
11 taxes and I said I did. And --

12 Q. Okay.

13 A. -- you said are you an accountant.
14 So --

15 Q. Sorry. That was just a total
16 miscommunication.

17 A. Oh.

18 Q. So I was asking -- well, let's
19 just back up. Has any income from the
20 demolition company been accounted for on
21 your tax returns or do you not know?

22 A. No.

23 Q. You don't know or it hasn't been?

24 A. Both, no.

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1 Q. Sorry. Do you --

2 MS. ROSENTHAL: Can you
3 read back the question?

4 (The last question was
5 read back.)

6 THE WITNESS: And I said
7 no.

8 BY MS. ROSENTHAL:

9 Q. Okay. So let's break up the
10 question. Has any money from the
11 demolition company been accounted for in
12 your tax returns?

13 A. No.

14 Q. Okay. So just to clarify, you do
15 know that no money has been accounted for?

16 A. No.

17 Q. I just -- there's a difference
18 between you not knowing and you knowing
19 that it hasn't been accounted for on your
20 tax return, so I'm unclear how you don't
21 know and --

22 A. Well --

23 Q. But maybe you can elaborate.

24 A. Well, no, as far as we haven't

1 filed business taxes yet.

2 Q. Okay. So what I was asking is
3 have you personally received any income
4 that you've accounted for on your tax
5 return?

6 A. From the demolition company --

7 Q. Yes.

8 A. -- no.

9 Q. Okay. So if income has been
10 received through that, it has gone -- you
11 haven't received any of it?

12 A. Any of?

13 Q. The income if there has been
14 any -- let's just move on.

15 Are you familiar with the
16 Pennsylvania Bar Association's ethical
17 guidelines for nonlawyers?

18 A. No.

19 Q. Okay. Are you familiar with the
20 concept of spoliation?

21 A. No.

22 Q. I want to mark as Exhibit 1 -- oh,
23 wait, back up. Before I get there, is it
24 correct that you're currently married to

1 Mr. Outlaw?

2 A. Yes.

3 Q. And have you ever been married to
4 anyone else?

5 A. No.

6 Q. Do you have any children?

7 A. Yes.

8 Q. Names and ages?

9 A. DeAndre Solomon, 24.

10 Q. And he's your only child?

11 A. Yes.

12 Q. And is Mr. Outlaw his father --
13 sorry, his biological father?

14 A. No.

15 Q. Who is his biological father?

16 A. Justin Clark.

17 Q. Okay. Now, I'm going to turn to a
18 document that I'm going to mark as, if I
19 can find it -- okay. I'm going to mark as
20 Exhibit 1, if the court reporter could mark
21 it.

22 (Exhibit marked Exhibit 1
23 for identification.)

24 BY MS. ROSENTHAL:

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1 Q. Do you recognize this document?

2 A. Yes.

3 Q. Okay. Can you describe the
4 document just for the record, a brief
5 description?

6 A. A subpoena with an exhibit.

7 Q. Okay. Do you recognize this as
8 the subpoena for you to testify today in
9 this case with an exhibit listing items
10 requesting that items -- sorry, strike
11 that.

12 Do you recognize this as a
13 subpoena for you to testify today and also
14 to produce items that are listed in Exhibit
15 A?

16 A. Yes.

17 Q. I want you to turn to the last
18 page which is Exhibit A to the subpoena.
19 There are three items listed here. I want
20 to go through each of them briefly. Any
21 and all communications between yourself and
22 any of Donald Outlaw's attorneys
23 representing him in the case of
24 Commonwealth of Pennsylvania v. Donald

1 Outlaw, and then there's the Docket No.

2 Did you understand that this
3 subpoena was asking you to search for and
4 produce any documents that fall into that
5 category?

6 A. Yes.

7 Q. And did you undertake a search for
8 such documents?

9 A. Yes.

10 Q. And did you locate any documents
11 other than those that have already been
12 produced?

13 A. Can you repeat the question?

14 Q. Sure. Other than the doc -- and
15 maybe I'm presuming in the question that
16 you know which documents have been
17 produced. So did you locate any
18 communications other than documents that
19 you have already turned over to
20 Mr. Van Naarden or anyone else in his
21 office responsive to the subpoena?

22 A. So you're asking me if I have
23 anything else that in addition to what I
24 already gave you?

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1 Q. Yes. I'm asking whether you --
2 this is a second subpoena that was
3 different from the first subpoena that you
4 received. So I had asked if you had
5 searched for these and you said yeah. So
6 I'm asking whether you located any others
7 than documents that you had turned over?

8 A. No.

9 Q. Okay. But you did undertake a
10 separate search?

11 A. Yes.

12 Q. Okay. No. 2, any and all
13 communications between yourself and any
14 other individual including private
15 investigators about the case of
16 Commonwealth of Pennsylvania v. Donald
17 Outlaw or the present matter?

18 I understand that your counsel is
19 asserting a privilege objection to that and
20 we would ask for a privilege log. But
21 putting that aside, did you undertake --

22 MR. VAN NAARDEN: Only
23 substant -- I'm not lodging an
24 objection to any communications

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1 with private investigators related
2 to Don's criminal case.

3 MS. ROSENTHAL: I
4 believe --

5 MR. VAN NAARDEN: She
6 wasn't his -- she wasn't a client
7 of the criminal defense attorney's
8 Commonwealth --

9 MS. ROSENTHAL: Yeah, I
10 believe Julia sent an email last
11 night saying I think it was
12 directed toward the present
13 matter.

14 MR. VAN NAARDEN: It's
15 about the present matter.

16 MS. ROSENTHAL: Yeah.

17 MR. VAN NAARDEN: Yeah.
18 But about the criminal matter, no,
19 you have all of that stuff.

20 MS. ROSENTHAL: Right.
21 So I would ask for a privilege log
22 as far as anything related to the
23 present matter.

24 BY MS. ROSENTHAL:

1 Q. But putting that aside, did you
2 undertake a -- did you understand what this
3 No. 2 was requesting?

4 A. Yes.

5 Q. And did you undertake a search for
6 documents?

7 A. Yes.

8 Q. And did you turn over all
9 documents that were responsive to the
10 counsel who's representing you in the
11 deposition today?

12 A. Yes.

13 Q. And then third, any and all
14 communications about any subject matter
15 between yourself and Derrick Alston, Eric
16 Lee, Charles Paladino, Chris Holder, Wesley
17 Harmon, Lemuel Barr, Anthony Brisbon,
18 Katima Jackson, Antoinette Alexander, Lamar
19 Braheem Rogers and/or Yashon Williams. Do
20 you understand what that document request
21 search was requesting?

22 A. Yes.

23 Q. And did you undertake a search for
24 all communications responsive?

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1 A. Yes.

2 Q. And did you find any additional
3 responsive documents?

4 A. No, I don't believe so.

5 Q. I want to now show you a document
6 that I'm going to mark as Exhibit 2.

7 MR. VAN NAARDEN: Just if
8 we have a second so the record is
9 clear, the one that -- Exhibit 1
10 is the subpoena that was served on
11 July 19th, three days ago.

12 MS. MAYS: Yes.

13 (Exhibit marked Exhibit 2
14 for identification.)

15 BY MS. ROSENTHAL:

16 Q. Sorry. Oh, you can put this
17 aside. Have you seen this document before?

18 A. Yes.

19 Q. And can you describe it for the
20 record? And it will be helpful if you
21 specifically list the date just for the
22 record so it's specific.

23 A. The subpoena is dated May 17,
24 2022.

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1 Q. Um --

2 A. 4/26/22.

3 Q. Okay. It's a subpoena for --
4 would you agree it's a subpoena requesting
5 the production of documents that is six
6 pages in total long, including an addendum?
7 I'm just describing it for the record.
8 Would you agree with that?

9 A. Yes.

10 Q. And is this the subpoena that you
11 said that you reviewed in preparation for
12 your deposition today?

13 A. Yes.

14 Q. When you received this subpoena,
15 can you describe what search you undertook
16 for documents responsive to it? And if
17 it's helpful, you can go item-by-item, but
18 you can also describe generally. Why don't
19 we go one-by-one. I'm going to turn to the
20 first request.

21 So on Page 2 of Exhibit A, do you
22 see where it starts all communications to
23 and from you, on the one hand in any of the
24 following individuals on other, Charles

1 Paladino, Lamar Rogers, Eric Lee, Yusef
2 Brown, Wesley Harmon, Derrick Alston,
3 Christopher Holder, Lemuel Barr, Maria
4 Rogers, Nicole Clark, Yashon Williams,
5 Jabril Jones, Sania Williams, Keith Rogers,
6 Kevin Rogers, Brendra Rogers and Katima
7 Jackson. Please note that this request is
8 intended to also include any pseudonyms
9 used by these individuals so long as you
10 understand the pseudonyms used synonymous
11 with the names referenced.

12 Do you remember reading that
13 request?

14 A. Yes.

15 Q. And do you understand what it was
16 asking for?

17 A. Yes.

18 Q. Can you tell me what search you
19 undertook for documents responsive to it?

20 A. I did a search on my computer with
21 my email to see what came up when I put
22 these names in.

23 Q. And what email account was that?

24 A. Moniques3708@aol.com.

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1 Q. Is that the only email account
2 that you have access to?

3 A. Yes.

4 Q. When you said that you did a
5 search, put the names in, do you mean that
6 you entered each individual's name into
7 your AOL account and reviewed all the
8 emails that popped up?

9 A. Yes.

10 Q. Do you know any of these
11 individuals by any nicknames or other names
12 that they go by?

13 A. Paladino.

14 Q. What other name?

15 A. Pop.

16 Q. What about Wesley Harmon?

17 A. He goes by Sa.

18 Q. Okay. I'm not going to go through
19 each one of these, but did you, for
20 example, type in Sa or Pop to your AOL
21 account to see whether any emails arose?

22 A. Yes.

23 Q. Okay. So what else -- so tell me
24 what other names then you searched for.

1 A. Lamar Rogers.

2 Q. Sorry. I understand that you put
3 each of the individual's names. I'm
4 saying -- you said you searched for the
5 word Pop?

6 A. Yes.

7 Q. And Sa?

8 A. Yes.

9 Q. Okay. So what other names did you
10 search for?

11 A. Derrick Alston -- well, you know,
12 Shank.

13 Q. Okay.

14 A. That was it because these other
15 people, a lot of these names, like, I don't
16 know.

17 Q. Okay.

18 A. So when they were put in my email,
19 nothing came up.

20 Q. Which names are you not familiar
21 with?

22 A. Marie Rogers, Nicole Clark, Yashon
23 Williams, Sania Williams, Keith Rogers,
24 Kevin Rogers, Brenda Rogers.

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1 Q. Do you know any of these
2 individuals' email addresses?

3 A. No.

4 Q. So would it be fair to say that
5 you didn't do any searches for any specific
6 email addresses pertaining to these
7 individuals?

8 A. Yes.

9 MR. VAN NAARDEN: Can
10 I -- just to clarify, you had sent
11 us a list that had search terms.

12 MS. ROSENTHAL: Mm-hmm.

13 MR. VAN NAARDEN: I don't
14 know if you want to explore that
15 because she was shown these other
16 search terms to look for. This is
17 your opportunity to ask her so she
18 was shown that list, yeah.

19 MS. ROSENTHAL: Thanks
20 for that. Thanks for that
21 suggestion.

22 BY MS. ROSENTHAL:

23 Q. Did you search for -- did you
24 search anywhere else besides your AOL email

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1 account? For example, on your computer
2 would there be any documents on your
3 computer -- let me rephrase that.

4 Would there be any communications
5 other than in your email account?

6 A. No.

7 Q. What about on phones? Have you
8 texted with any of these individuals?

9 A. No.

10 Q. So looking at these names, there's
11 not a single individual you've sent a text
12 message to or received a text message to
13 that you can remember?

14 A. No.

15 Q. What about could there be any
16 letters that would be saved other than
17 email?

18 A. Not that I'm aware of.

19 Q. Hard copy letters?

20 A. No.

21 Q. Well, is it correct that you had
22 attached -- or sorry. Are you aware that
23 attached to certain filings in Mr. Outlaw's
24 criminal proceedings, and I say that

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1 including appellate and Post Conviction
2 Relief Act proceedings there were certain
3 communications with some of these
4 individuals that were attached to those
5 proceedings?

6 A. Can you repeat that?

7 Q. Yeah, why don't actually we skip
8 that and we can return to it and we can
9 take a look at it specifically.

10 A. Excuse me. Can I get a tissue?

11 Q. Sure. Let's go off the record.

12 THE VIDEOGRAPHER: We're
13 now going off record. The time
14 now is 11:41 a.m.

15 (Brief recess.)

16 THE VIDEOGRAPHER: We're
17 now back on record. The time is
18 11:42 a.m.

19 BY MS. ROSENTHAL:

20 Q. I'm going to move on from 1, but
21 let me ask you one final question on that.
22 Do you recall receiving any mail, any snail
23 mail from or sending any snail mail to
24 Charles Paladino, for example?

1 A. Yes.

2 Q. So when you said -- I'm just
3 trying to understand your statement that
4 there wouldn't be any communications
5 outside of your email. Is it -- whatever
6 did you undertake to search for any of
7 those communications, for example?

8 A. Well, you're asking me if I have
9 mail from Paladino, right?

10 Q. I believe if I understood your
11 testimony correctly, you seemed to say that
12 you have exchanged mail with him.

13 A. I don't, like, have any letters to
14 give you other than what I've already
15 produced.

16 Q. Okay. So did you search for any
17 hard copy letters or are you confident that
18 they are no longer in your possession?

19 A. I'm confident that they're no
20 longer in my possession.

21 Q. Okay. So at one point you did
22 possess such letters?

23 A. Yes, I did have mail.

24 Q. And what happened to those

1 letters?

2 A. I got rid of them. Like, I don't
3 keep mail. Like, once I read it, I'm done
4 with it. I didn't have a reason to keep
5 it.

6 Q. Okay. So you threw it away?

7 A. Correct.

8 Q. When is the most recent time that
9 you can recall having thrown away mail to
10 or from Charles Paladino?

11 A. I don't recall a date if I haven't
12 heard from him in a while, so I don't
13 remember the last time.

14 Q. So would it be your practice to
15 throw that away immediately or would you
16 keep it for some period of time or it would
17 depend?

18 A. Honestly, it just depends, like,
19 where I'm at opening my mail, what I'm
20 doing. Like, normally when I get mail, I
21 go through it, read it and get rid of it.

22 Q. Did you throw any mail away since
23 the onset of this case?

24 A. No.

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1 MR. VAN NAARDEN:

2 Objection. You just asked her if
3 she threw away any mail since she
4 started the case.

5 MS. ROSENTHAL: Yeah,
6 sorry. I will rephrase.

7 BY MS. ROSENTHAL:

8 Q. Did you throw away any mail to or
9 from any of these individuals since this
10 case was filed?

11 A. No.

12 Q. Did you delete any emails
13 involving these individuals to and from
14 this case was filed -- since this case was
15 filed?

16 A. No.

17 Q. Have you received any instruction
18 about your obligation to preserve documents
19 that could be relevant evidence -- or
20 sorry, strike that.

21 Have you received any instruction
22 from Mr. Van Naarden or his office about
23 your obligation to retain documents
24 potentially relevant to this case?

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1 MR. VAN NAARDEN:

2 Objection. That's going to be
3 privileged.

4 MS. ROSENTHAL: I would
5 disagree on that, but let's just
6 preserve it. I think with all
7 these privileged objections we'll
8 just reserve time in the
9 deposition and we can take up it
10 with the judge and then recall it,
11 if needed.

12 MR. VAN NAARDEN: Okay.

13 MS. ROSENTHAL: So you're
14 directing her not to answer that?

15 MR. VAN NAARDEN: Yes.
16 She's not going to answer
17 questions about discussions she
18 had with her attorney.

19 MS. ROSENTHAL: Okay. I
20 would disagree that a notification
21 about obligation to preserve
22 documents would be privileged, but
23 we can agree to disagree.

24 BY MS. ROSENTHAL:

1 Q. Do you understand -- sitting here
2 today regardless of where that
3 understanding came from, do you understand
4 that you have an obligation as a witness in
5 this case not to destroy any documents that
6 could be potentially relevant?

7 A. Yes.

8 Q. Would you consider communications
9 to or from any of the key witnesses in this
10 case -- or let me strike that.

11 Would you consider communications
12 to or from any witnesses who have
13 participated at all in the underlying
14 criminal case to be potentially relevant to
15 this action?

16 A. Yes.

17 Q. The email account that you
18 mentioned, the AOL email account, does
19 anyone else have access to that account?

20 A. No.

21 Q. Okay. I want to move on to No. 2
22 that's listed, all communications to or
23 from you and Mr. Outlaw's criminal defense
24 attorneys, including his trial, appellate

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1 and post conviction attorneys about the
2 case of Commonwealth of Pennsylvania v.
3 Donald Outlaw, and then there's a Docket
4 No. listed. Did you understand that
5 document request?

6 A. Yes.

7 Q. And what efforts did you undertake
8 to search for documents responsive to that
9 request?

10 A. I did a search of his attorneys'
11 names.

12 Q. How did you come up with a list of
13 attorneys?

14 A. I know all of his attorneys'
15 names, so I put them in.

16 Q. Off the top of your head or you
17 have a list somewhere?

18 A. Off the top of my head.

19 Q. Okay. He's had many attorneys
20 over the years. That's something that I
21 would be interested in having a list of
22 them, so could you go through what
23 attorneys?

24 A. Well, the attorneys that I've had

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1 communication with this. Like, I know he
2 has had a lot of attorneys but --

3 Q. Okay. You said that -- whichever
4 you know of?

5 A. Brian Zieger, Mark I think his
6 last name is Henricks or something like
7 that.

8 COURT REPORTER: I'm
9 sorry. Can you repeat that?

10 THE WITNESS: Mark
11 Henricks I believe his last name
12 is. Dennis Turner, Edward Foster.
13 He had attorneys from Cozen
14 O'Connor for his juvenile issues,
15 and then he had an attorney from
16 the Innocence Project.

17 BY MS. ROSENTHAL:

18 Q. Do you know the name of the
19 attorneys?

20 A. Nilam, I can't say her last name.

21 Q. Any other attorneys that you're
22 aware of or that you searched for
23 communications for?

24 A. I believe those are it. The way I

1 did the search in addition to, like, his
2 attorneys' names I just put his Case No.
3 and whatever popped up, I would forward
4 that.

5 Q. Did you search for any particular
6 attorneys at Cozen O'Connor?

7 A. No, I pretty much put in Cozen
8 O'Connor because that's in the email would
9 have come up with an attorney from them.

10 Q. Do you have these individuals
11 email addresses?

12 A. In my email.

13 Q. Did you search for their email
14 addresses or their names only?

15 A. Cozen O'Connor is how I did the
16 search.

17 Q. Sorry. I understand for that one,
18 Cozen O'Connor. For the others, did you
19 search for their email addresses or just
20 their names?

21 A. For Ed Foster, I did his name and
22 his email address.

23 Q. What about Brian Zieger?

24 A. Brian Zieger, I just did his name.

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1 Q. Mark Henricks?

2 A. The same.

3 Q. Dennis Turner?

4 A. The same.

5 Q. You said Ed Foster. You did his
6 name and his email?

7 A. Mm-hmm.

8 Q. What about Innocence Project?

9 A. I did Nilam's name.

10 Q. I understand that this request
11 pertained to attorneys, but do you have
12 knowledge of any investigators that worked
13 on Mr. Outlaw's case, criminal case
14 including his trial, appellate and post
15 conviction proceedings?

16 A. I know the Innocence Project maybe
17 they had an investigator. I'm not 100
18 percent sure.

19 Q. You don't know the names?

20 A. No.

21 Q. Any other investigators' names?

22 A. Not that I can think of.

23 Q. Any other attorneys besides the
24 ones that you mentioned that you searched

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1 for?

2 A. Not that I can think of offhand.

3 Q. Did you retain all emails to and
4 from these individuals or do you have
5 knowledge of having deleted any?

6 A. I believe everything that's in my
7 email is everything that I have.

8 Q. Did you look in your sent email
9 box as well?

10 A. The way my search -- the way that
11 I did my search it included incoming and
12 outgoing.

13 Q. Did you have any correspondence
14 other than an email with these individuals?

15 A. No.

16 Q. You didn't exchange any hard copy
17 correspondence with them?

18 A. Oh, I'm not really sure. I
19 believe pretty much communicated via email.

20 Q. You have no recollection of having
21 ever exchanged hard copy correspondence?

22 A. Well, I mean I gave these
23 attorneys, like, Don's hard copies of his
24 file, like, the copies that I had, if

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1 that's what you mean.

2 Q. Well, any -- I mean, obviously if
3 you sent something, you would no longer
4 have it. What was it, your practice to
5 make a photocopy of something you sent out?

6 A. What through, like, if I gave the
7 attorney his file?

8 Q. (Nodding affirmatively).

9 A. No, I would just give him the file
10 because I know...

11 Q. What about communications you
12 received through them, the hard copy,
13 sorry, from them?

14 A. Normally, anything that the
15 attorney would give me, he would email it.
16 I don't really recall him giving me a hard
17 copy of anything.

18 Q. Would you ever type anything up on
19 your computer to send via email?

20 MR. VAN NAARDEN:

21 Objection.

22 BY MS. ROSENTHAL:

23 Q. Do you understand my question?

24 A. You asked me if I --

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1 Q. Would there be any documents
2 potentially on your computer, like a letter
3 that you typed up to send via email that
4 would be separately in existence?

5 A. You're asking me if I typed up a
6 letter and sent the letter by email?

7 Q. I'm asking would there be
8 communications that would be saved on your
9 computer? For example, if someone wrote a
10 letter even if you sent it by email and not
11 by snail mail that might separately exist
12 on your computer?

13 A. No, not that I'm aware of.

14 Q. Okay. While Mr. Outlaw's criminal
15 case was ongoing, was it your practice to
16 save these -- to save letters and
17 communications with any of these
18 individuals that you recognize under 1 or
19 with attorneys?

20 A. What do you mean, like, saved
21 communication?

22 Q. Well, I think you testified that
23 at least recently when you read something,
24 a letter, you would throw it away. So

1 during the course of the criminal
2 proceedings, was it your practice to save
3 those documents and communications?

4 A. Communications, what from these
5 people?

6 Q. Yeah, with attorneys, with those
7 people?

8 A. Well, again if one of the -- if
9 the attorneys emailed me, then it would
10 still be in my email.

11 Q. Okay. I want to move on to 3.
12 All documents reflecting any form of
13 payments or goods either directly or
14 indirectly between you and any of the
15 following individuals on the other hand,
16 Charles Paladino, Lamar Rogers, Eric Lee,
17 Yusef Brown, Wesley Harmon, Lemuel Barr,
18 Maria Rogers, Nicole Clark, Yashon
19 Williams, Jabril Jones, Sania Williams,
20 Keith Rogers, Kevin Rogers, Brenda Rogers
21 and Katima Jackson. Please note this
22 request is to also include any pseudonyms
23 used by these individuals as long you
24 understand those pseudonyms to be

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1 synonymous with the names referenced.

2 Did you understand what that was
3 asking for?

4 A. Yes.

5 Q. And what search did you undertake
6 for documents?

7 A. I searched my email for these
8 names.

9 Q. Well, are there any other sources
10 of documents or information that could
11 potentially be responsive to this request?

12 A. No, I don't think so.

13 Q. For example, did you undertake a
14 search to see if you had any checks that
15 you had received from them or that you
16 sent?

17 A. I don't write checks, so no.

18 Q. What are the forms of payment that
19 you make to people?

20 A. For the attorney I would --

21 Q. Not for an attorney. For the
22 individuals listed here if you were going
23 to give them payment of goods or payment or
24 goods, how would you do that if you don't

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1 write checks?

2 A. Well, I didn't --

3 Q. This isn't meant to be a trick
4 question. Would you give them cash? Do
5 you --

6 A. Well, I wouldn't give these people
7 anything. A lot of these people on this
8 list I don't even know.

9 Q. Well, I'm asking I guess what
10 forms of payment do you normally use
11 because we would ask that you conduct a
12 search to be sure that you don't -- that
13 there were no -- that there was no payment?

14 A. Well, for inmate I would do my
15 email because money sent to an inmate is
16 through JPay, so I did put in these names
17 and Christopher Holder did come up that I
18 sent him money.

19 Q. What about on your credit card
20 statements would it reflect any JPay
21 payments if there were any?

22 A. I believe so.

23 Q. Did you look at your credit card
24 statements?

1 A. The question is, like, because
2 when you send a payment through JPay, you
3 get a confirmation email. So if I sent
4 somebody a JPay, I would have a log of it
5 on my email, so it really wouldn't be a
6 need for me to check my statement.

7 Q. Well, are you trying to say for
8 these, and tell me if I'm getting this
9 wrong, but I'm gathering are you saying
10 that you are so confident that there were
11 no payments that were made to any of these
12 individuals that you didn't feel the need
13 to conduct a search beyond your email?

14 MR. VAN NAARDEN:

15 Objection.

16 You can answer. I'm
17 objecting to the form of her
18 question. I don't think that was
19 your testimony, so go ahead.

20 BY MS. ROSENTHAL:

21 Q. Yeah. I'm not sure that you're
22 testifying to that. I'm just trying to
23 clarify what --

24 A. I mean, I can say that I'm pretty

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1 confident that if --

2 Q. Okay. Let me just ask: So you
3 didn't check credit card statements, for
4 example, to see if there are any payments
5 to these individuals, yes or no?

6 A. Um, I did review my statements,
7 but it's like -- excuse me -- these names
8 weren't in my statement and they wouldn't
9 be in my statement.

10 Q. So you checked your credit card
11 statements to see if there were any
12 payments made to these individuals?

13 A. Well, I checked my bank statement
14 that would be with my JPay account.

15 Q. Okay. You don't use a credit card
16 with your JPay?

17 A. No.

18 Q. Do you use any like app service to
19 transfer money like Venmo or Cash App?

20 A. I don't have Venmo or Cash App.

21 Q. Do you have any recollection of
22 paying any of these individuals any form of
23 payment or goods?

24 A. No, other than Holder which came

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1 up in my email and I did produce that
2 document to you.

3 Q. Do you have any recollection of
4 making any additional payments and beyond
5 JPay records that you've produced?

6 A. No, not that I'm aware of.

7 Q. Going for all communications
8 reflecting your efforts to obtain legal
9 records on behalf of Mr. Outlaw from his
10 former or current defense attorney for use
11 in instance civil suit or the underlying
12 case of Commonwealth of Pennsylvania v.
13 Donald Outlaw, what, if any, search did you
14 undertake for documents?

15 A. Well, isn't No. 2 and No. 5 like
16 the same thing?

17 Q. We're on 4.

18 A. Oh.

19 Q. But during the deposition, it's my
20 job to ask questions and for you to answer
21 it. If you think they're the same thing,
22 then you can give the same answer.

23 A. So wait. All right. No. 4 is
24 asking if I sent you any documents -- if I

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1 produced any documents from his previous
2 attorneys?

3 Q. No. If you made any efforts to
4 obtain legal records from them?

5 A. Like, what I had in my possession
6 or if I reached out to these people and
7 asked them --

8 Q. Yes, communications where you're
9 reaching out not necessarily to the
10 attorneys, I don't know, other staff to
11 obtain records. For example, if you made
12 any attempts to obtain records from Norris
13 Gelman communications related to those,
14 what did you do to search for them?

15 A. I guess I'm not really
16 understanding the question.

17 Q. Did you not understand what 4 was
18 asking for?

19 A. It's asking me did I -- to produce
20 records that I have from his attorneys,
21 right?

22 Q. I think maybe you didn't
23 understand that --

24 A. From his former attorneys.

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1 Q. So what it's asking for is efforts
2 to obtain record legal records, for
3 example, going to an attorney or the staff
4 and asking for a copy of the file. Yeah,
5 do you recall testifying in the PCRA
6 hearing about efforts that you made to
7 obtain files?

8 A. Oh, okay. See, that's better.
9 I'm glad you said that because I'm
10 thinking -- all right. Yes, I did reach
11 out to attorneys trying to get a copy of
12 the file.

13 Q. So I'm asking what search, if any,
14 did you make to look for those records that
15 reflect your effort to obtain legal
16 records?

17 A. I did a search in my email. I
18 also went through like, well, any paperwork
19 that I had in my house which I don't have
20 any paperwork pertaining to his case in my
21 house.

22 Q. When was the last time you had
23 paperwork in your house pertaining to the
24 case?

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1 A. When his case was I want to say
2 dismissed, if that was the -- it was
3 dismissed.

4 Q. When it was nolle prossed?

5 A. Yes.

6 Q. And how much paperwork did you
7 have?

8 A. I mean, it wasn't, like, I can't
9 give you a page number, but it was
10 definitely a lot of documents.

11 Q. Can you give me an estimate of
12 banker's boxes?

13 A. Banker's boxes?

14 Q. Oh, sorry. You know the standard
15 cardboard boxes?

16 A. Okay. Maybe it was enough to fit
17 in a box like that, but not really
18 completely fill the box up.

19 Q. And what did you do with those
20 when the case was nolle prossed?

21 A. I don't want to say like we had a
22 celebration and got rid of everything, but
23 it's kind of like when his case was
24 dismissed it was a celebration and I didn't

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1 need those documents anymore, so it was
2 something that I was glad to get rid of.

3 Q. So how did you dispose of them?

4 A. I don't want to say that, like, I
5 burned them or anything like that but --

6 Q. Well, it's not a matter of what
7 you don't or do want to say. Just I'm
8 asking for what the truth is. Did you burn
9 them?

10 A. Yes, I did dispose of the
11 documents.

12 Q. Did you burn the documents? That
13 just calls for a yes or no answer.

14 A. Yes, I did.

15 Q. Why are you hesitating saying that
16 you burned the documents?

17 A. Because it's, like, for me it was
18 a celebration. But, you know, for somebody
19 looking in, it's just, like, you know, why
20 would you go that far. And it's, like,
21 disposing of those documents was like a
22 celebration for me and my family, because,
23 like, holding on to these documents was
24 like a burden and it's, like, that burden

1 was lifted.

2 Q. Did you have -- did Mr. Outlaw
3 burn any documents?

4 A. No.

5 Q. Did you have knowledge of the
6 point if the documents were burned that
7 Mr. Outlaw was intending to bring or first
8 of all, had he brought this lawsuit at the
9 time?

10 A. No, not that I'm aware of.

11 Q. What was the date?

12 A. I don't remember the exact date,
13 but it was shortly after his case was
14 dismissed.

15 Q. Did you think that there was
16 anything wrong about burning the documents
17 from an ethical perspective?

18 A. No, that was his criminal case and
19 the case was dismissed so there was no need
20 for the documents and they were just
21 copies.

22 Q. There's a copy of everything in
23 your possession someone else had?

24 A. No, these are documents that all

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1 of his attorneys have.

2 Q. Were there any originals that you
3 burned?

4 A. No, I always had copies.

5 Q. I'm asking if there were originals
6 of any of the documents that were burned?

7 A. Originals to what?

8 Q. For example, if a letter was
9 handwritten, an affidavit was handsigned?

10 A. No.

11 Q. Who was in possession of all the
12 copies?

13 A. His attorneys, I would think.

14 Q. Why would you think that? Did you
15 give it to them?

16 A. Well, because the originals would
17 be for the attorneys to have. I wouldn't
18 have an original.

19 Q. So everything that you had, you
20 turned over to an attorney?

21 A. Yes.

22 Q. And at the point that you burned
23 the documents, did you have knowledge that
24 Mr. Outlaw was intending to bring a civil

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1 suit against the City and its former
2 employees related to his criminal case?

3 A. At that time I'm not sure. But
4 again, getting -- disposing of the
5 documents was because his case was
6 dismissed and I no longer had a need for
7 the documents, and the documents were my
8 file.

9 Q. Okay. I would move to strike the
10 portion of the nonresponsive answer. My
11 question was only whether you had knowledge
12 that he was intending to bring a civil suit
13 at the time. And what's your answer to
14 that, yes or no?

15 MR. VAN NAARDEN:

16 Objection. Asked and answered.

17 MS. ROSENTHAL: All
18 right. You're right. It was
19 asked and answered. Moving on.

20 BY MS. ROSENTHAL:

21 Q. But you knew those -- sorry, I'll
22 move on. And what's the reason that you
23 kept them up until the case was dismissed?
24 Is it because you thought that they would

1 be relevant evidence?

2 A. Relevant evidence to, like, what?

3 It's just like I had a file that I gave to
4 his attorneys and there were maybe, like,
5 his transcripts and stuff like that that I
6 didn't need anymore.

7 Q. Why did you feel you needed them
8 up until the case was dismissed?

9 A. Because that was his file and his
10 case was still ongoing.

11 Q. Okay. And in your role as a
12 paralegal, you're not familiar with any
13 obligations related to retaining documents
14 when you're aware of impending litigation
15 or current litigation?

16 MR. VAN NAARDEN:

17 Objection. Asked and answered.

18 You can answer again.

19 MS. ROSENTHAL: She said
20 she was not familiar with the
21 concept of spoliation, so I'm now
22 asking whether --

23 BY MS. ROSENTHAL:

24 Q. Putting aside the word spoliation,

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1 are you aware of any obligation to retain
2 documents when you are on notice of
3 litigation that is impending?

4 A. Well, I'm not an attorney so I
5 don't have to keep the file.

6 Q. Okay. So you don't have any
7 understanding about witnesses having to
8 keep documents?

9 A. No.

10 Q. Okay. I want to switch to go to
11 No. 6, documents efficient to request the
12 joint income received by you and Mr. Outlaw
13 during the tenure of your marriage.

14 Did you and Mr. Outlaw have any
15 joint income at any point?

16 A. Joint income, like, can you give
17 me an example?

18 Q. Do you not understand the
19 question? Do you not understand joint
20 income?

21 A. Well, again marriage, his money is
22 my money and my money is his money. So,
23 like, when you say joint income, are you
24 saying, like, money that we made together

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1 or just money in general, because again in
2 the marriage his money is my money and my
3 money is his money?

4 Q. Okay. So when you read No. 6,
5 that's how you interpreted it, joint
6 income? Did you understand what that
7 number referred to?

8 A. Correct.

9 Q. What efforts did you make to
10 search for any documents responsive to this
11 request?

12 A. Bank statements. But again, joint
13 income is like your -- the way I'm reading
14 into it is money that we made together,
15 which technically we haven't made any money
16 together other than he has his job and I
17 have my job.

18 Q. So let me back up. Did you
19 provide to your attorneys for production
20 any documents responsive to No. 6?

21 A. I mean other than, like, our bank
22 statements, we wouldn't have any joint
23 income.

24 Q. Did you provide your bank

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1 statements to your attorneys?

2 A. Yes.

3 Q. When was that?

4 A. I don't remember the exact date.

5 Q. More than two weeks ago?

6 A. No, I don't recall.

7 Q. Do you recall if it was more than
8 a month ago?

9 A. No, I don't remember.

10 Q. Do you recall whether it was less
11 than a week ago?

12 A. I'm not sure of the exact date.

13 Q. Could it have been yesterday?

14 A. No, it wasn't yesterday.

15 Q. And have you maintained one or
16 more joint bank accounts at any point with
17 Mr. Outlaw?

18 A. We have one joint bank account.

19 Q. And what bank is that with?

20 A. Wells Fargo.

21 Q. When was that opened?

22 A. November of 2019 maybe.

23 Q. Prior to that date, you did not
24 have any joint bank account with

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1 Mr. Outlaw?

2 A. No.

3 Q. Do you have any separate bank
4 account?

5 A. Myself?

6 Q. (Nodding affirmatively).

7 A. Yes.

8 Q. Okay. So when you say that
9 everything is yours is his, can you
10 explain -- do you differentiate between the
11 joint bank account versus the individual
12 bank account?

13 A. What do you mean?

14 Q. What goes into the joint bank
15 account versus the individual?

16 A. The joint bank account is mainly
17 the house bills, like the mortgage,
18 utilities.

19 Q. Well, I think you're describing
20 what you would pay out of the bank account.
21 What goes into the bank account?

22 A. Oh, well, the money for the bills,
23 for the house, like.

24 Q. Is it a checking or savings or

1 both?

2 A. It's a checking.

3 Q. Do you deposit your salary into
4 that account?

5 A. I do.

6 Q. Into the joint bank account?

7 A. Yes.

8 Q. Did Mr. Outlaw have any individual
9 bank accounts?

10 A. Yes, I believe he does.

11 Q. And so, what type categories of
12 money do you keep separate?

13 A. What do you mean?

14 Q. Do you have any general rules
15 about why you would deposit something into
16 your joint versus your separate bank
17 account?

18 A. We don't really have a general
19 rule about it.

20 Q. How much money approximately is in
21 your Wells Fargo joint bank account right
22 now?

23 A. I'm not sure of the exact dollar
24 amount.

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1 Q. That's okay. You can provide the
2 best estimate.

3 A. Maybe over 1,000. I'm not 100
4 percent sure.

5 Q. \$1000?

6 A. Maybe.

7 Q. And you deposit your entire salary
8 into there?

9 A. Mm-hmm.

10 Q. Do you have any joint credit cards
11 with Mr. Outlaw?

12 A. Yes, we do.

13 Q. And what are those?

14 A. A Capital One, Lowes.

15 Q. Mm-hmm.

16 A. And I believe that's it.

17 Q. When were those credit cards
18 opened?

19 A. 2016.

20 Q. And do you have individual credit
21 cards?

22 A. Yes.

23 Q. Both you and Mr. Outlaw?

24 A. Yes.

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1 Q. Have you ever filed a joint tax
2 return with Mr. Outlaw?

3 A. Our taxes are actually -- no, but
4 our taxes are currently in the process of
5 being amended because I filed my taxes
6 incorrectly.

7 Q. Why would his taxes be amended if
8 you filed yours incorrectly?

9 A. No, because I filed my taxes as
10 single not knowing because I made a
11 mistake, so our taxes are in the process of
12 being amended to be filed jointly.

13 Q. Did he file his taxes as single?

14 A. Yes.

15 Q. You did not understand at the time
16 that that was inaccurate?

17 A. Honestly, I want to say that it
18 was my fault because I'm so used to filing
19 single that I didn't even think to do
20 married until after I realized that we
21 should have done it jointly, which is why
22 we're in the process of having it
23 professionally done because I'm no tax
24 expert, so I'm going to leave the taxes to

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1 the experts.

2 Q. What years are being amended?

3 A. '20 and '21.

4 Q. When was it brought to your
5 attention that it was done incorrectly?

6 A. I don't remember the exact date.

7 Q. How was it brought to your
8 attention?

9 MR. VAN NAARDEN: I'll
10 put an objection on the record to
11 the extent that it calls for
12 privileged communications with
13 counsel. But if it doesn't, you
14 can answer.

15 THE WITNESS: You said if
16 it does not?

17 MR. VAN NAARDEN: If the
18 answer to that question would
19 divulge discussions that you had
20 with me, then you can't talk about
21 it.

22 THE WITNESS: Okay.

23 MR. VAN NAARDEN: But if
24 you identified that issue

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1 independently from anything that
2 I've had discussions with you
3 about, then you should tell them
4 or you learned about it on your
5 own.

6 THE WITNESS: I really
7 don't know how to answer that
8 question only because I know that
9 when I was getting the documents
10 together --

11 MS. ROSENTHAL: Mm-hmm.

12 THE WITNESS: -- that I
13 realized that, you know, we did
14 both file single and that we are
15 married and that the taxes should
16 be amended and that we should have
17 filed jointly. So when I realized
18 that I dropped the ball with the
19 taxes is when I got someone to
20 professionally do our taxes to
21 file an amendment.

22 BY MS. ROSENTHAL:

23 Q. And who is that?

24 A. Jacob Cohen.

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1 Q. An accountant?

2 A. Yes.

3 Q. Does Mr. Van Naarden's law firm
4 represent you for purposes other than with
5 respect to this case, for example, in
6 providing tax advice?

7 A. No.

8 Q. Do you have any understanding of
9 when the amendments -- well, strike that.
10 Are those both state and federal tax
11 returns that are being amended?

12 A. I believe so.

13 Q. And have you notified the state
14 and federal government or do you have any
15 knowledge as to whether your accountant
16 has?

17 A. I'm not sure.

18 Q. And do you have any knowledge of
19 when you believe the amendments will be
20 complete?

21 A. I'm not sure.

22 Q. Do you know whether you will be
23 filing them married -- separately as
24 married or jointly as married?

Monique Solomon
7/22/2022

1 A. I believe jointly as married, but
2 I'm not 100 percent sure.

3 Q. Have you filed federal and state
4 tax returns every year in the last 10
5 years?

6 A. Yes.

7 Q. Do you see any -- did you also
8 indicate that you were single on the tax
9 returns prior to 2020 when you were
10 married?

11 A. Yes.

12 Q. Those aren't being amended, are
13 they?

14 A. Well, Donald was incarcerated.

15 Q. So it's your understanding that --
16 sorry. Let me just ask the question again
17 to get a yes or no answer.

18 Is -- are -- have you taken any
19 steps to amend the tax returns prior to
20 2020 to indicate that you were married at
21 the time?

22 MR. VAN NAARDEN:

23 Objection. You can answer.

24 MS. ROSENTHAL: On what

Monique Solomon
7/22/2022

1 grounds?

2 MR. VAN NAARDEN: You
3 can't direct the witness to answer
4 yes or no. The answer is going to
5 be what it's going to be. This is
6 your witness. You don't get to
7 cross-examine her.

8 MS. ROSENTHAL: You can
9 go ahead and elaborate --

10 MR. VAN NAARDEN:
11 Exactly.

12 MS. ROSENTHAL: -- if you
13 need to, but I don't believe your
14 prior answer was responsive.

15 BY MS. ROSENTHAL:

16 Q. But anyway, my question is just
17 whether you had taken any steps to amend
18 the tax returns prior to 2020 to indicate
19 that you were married during the period
20 when you were?

21 A. No, again because Donald was
22 incarcerated.

23 Q. So you considered yourself single
24 for purposes of taxes?

Monique Solomon
7/22/2022

1 A. Yes.

2 Q. How much income did you earn last
3 year roughly?

4 MR. VAN NAARDEN:

5 Objection. You can answer.

6 MS. ROSENTHAL: Well,
7 given that we haven't seen the
8 joint tax returns.

9 THE WITNESS: I'm not
10 sure exactly, but I don't want to
11 guess. But I believe it was in
12 maybe the 66 range. I'm not 100
13 percent sure.

14 BY MS. ROSENTHAL:

15 Q. Did you have any sources of income
16 other than your employment?

17 A. No.

18 Q. Do you own any stocks or bonds
19 with Mr. Outlaw?

20 A. No.

21 Q. Any other significant marital
22 property of value?

23 A. No.

24 Q. Any knowledge of Mr. Outlaw having

Monique Solomon
7/22/2022

1 received or applied for unemployment
2 benefits?

3 A. Yes.

4 Q. What's that?

5 A. I believe he was getting the PUA.

6 Q. PUA?

7 A. During the pandemic.

8 Q. Are you referring to the PPE loan?

9 A. No, the --

10 Q. Sorry. I'm just not familiar with
11 PUA?

12 A. It was, like, some type of
13 unemployment benefit that people got during
14 Corona.

15 Q. Oh, the increased -- regular
16 unemployment, but it was an increased
17 amount?

18 A. No.

19 Q. No?

20 MS. MAYS: Pandemic
21 unemploy --

22 MR. VAN NAARDEN: Yeah,
23 the --

24 BY MS. ROSENTHAL:

Monique Solomon
7/22/2022

1 Q. Okay. Pandemic unemployment
2 assistance, yes?

3 A. Yes.

4 Q. Do you know about how much?

5 A. No, I don't.

6 Q. Was that deposited into your joint
7 bank account?

8 A. No.

9 Q. Have you taken out any joint loans
10 with Mr. Outlaw?

11 A. No.

12 Q. Have either of you or he cosigned
13 on a loan that others have?

14 A. No, not that -- no, I don't think
15 so.

16 Q. Okay. We're going to switch gears
17 a bit. When did you first meet Mr. Outlaw?

18 A. We actually grew up together, but
19 we reconnected in I want to say like 2008.

20 Q. When you say you grew up together,
21 can you elaborate on that a little more?

22 A. We're from the same neighborhood
23 and we also went to the same elementary
24 school.

Monique Solomon
7/22/2022

1 Q. Were you in the same year?

2 A. No.

3 Q. Did you know him at the time of
4 the Jamal Kelly murder?

5 A. Again, we grew up together so it's
6 like I would see him in passing.

7 Q. How would you describe your
8 relationship with him?

9 A. During that time, probably like a
10 hi and bye type of relationship.

11 Q. Sorry. I missed that.

12 A. I said during that time, like, in
13 the early 2000s, which I would say more
14 like a hi and bye relationship. Like, if I
15 saw him, I would say hi.

16 Q. Did you at any point prior to his
17 conviction have a romantic relationship
18 with him?

19 A. No.

20 Q. I want to show you a document that
21 I'm going to mark as Exhibit 3. It's a
22 four-page document that's Bates marked
23 OUTLAWDA02022000752 through
24 OUTLAWDA02022000755.

Monique Solomon
7/22/2022

1 MS. ROSENTHAL: You can
2 mark it as Exhibit 3.
3 (Exhibit marked Exhibit 3
4 for identification.)

5 BY MS. ROSENTHAL:

6 Q. Have you seen this document
7 before?

8 A. No.

9 Q. Would you agree that it appears to
10 be a letter dated November 8, 2018 where
11 written by Cozen O'Connor to Samuel
12 Ritterman about the Commonwealth v. Robert
13 Outlaw case --

14 A. Yes.

15 Q. -- attempting to discuss for the
16 record?

17 A. Yes.

18 Q. I just want to ask you about one
19 specific part of it. If you could turn to
20 the second page, the page that's marked
21 OUTLAWDA02022000753.

22 Do you see that there's a heading
23 midway down the page as Ms. Solomon
24 Outlaw -- or sorry, Ms. Monique Solomon and

Monique Solomon
7/22/2022

1 Robert's wife?

2 A. Yes.

3 Q. Do you see the first sentence
4 reads under that, Robert has been in a
5 relationship with Ms. Monique Solomon prior
6 to his conviction and throughout his
7 incarceration? Do you see that?

8 A. Yes.

9 Q. Would you say that that statement
10 is incorrect?

11 A. Yes.

12 Q. Did you at any point tell Cozen
13 O'Connor that you had been in a
14 relationship with Mr. Outlaw prior to his
15 conviction?

16 A. No, I explained to him that we
17 grew up together.

18 Q. Okay. You can put that one aside.
19 At the time of Jamal Kelly's murder in
20 September of 2000, where were you living at
21 the time?

22 A. With my mom, my mother.

23 Q. I'm just trying to get an idea
24 where in the neighborhood?

Monique Solomon
7/22/2022

1 A. Germantown.

2 Q. How close to -- can you give me a
3 more specific, like how close to Mr. Outlaw
4 did you live? Can me give me an address,
5 if you know one?

6 A. I don't know an address.

7 Q. You don't know an address, okay.

8 And what's your mother's name?

9 A. Natalie.

10 Q. And the last name is Solomon?

11 A. Yes.

12 Q. Okay. And what's her -- what's
13 her current address?

14 A. 947 East Chelten Avenue.

15 Q. East Chelten Avenue.
16 Philadelphia?

17 A. Yes.

18 Q. Have you ever lived at that
19 address?

20 A. Yes.

21 Q. During what time period?

22 A. From birth until I moved into my
23 3708 apartment, which I believe was in '06.
24 I'm not 100 percent sure when I moved.

Monique Solomon
7/22/2022

1 Q. Okay. So you were living at that
2 address at the time of the Jamal Kelly
3 murder in 2000? I just want to make sure.

4 A. Yes.

5 Q. Okay. So when you said you
6 couldn't give an exact address, I just want
7 to make sure --

8 A. When did I say I couldn't --

9 Q. I may have misunderstood. That's
10 why I just wanted to make sure the record
11 was clear --

12 MS. MAYS: I think she
13 meant Mr. Outlaw's address.

14 MS. ROSENTHAL: Oh,
15 Mr. Outlaw's address.

16 THE WITNESS: Oh --

17 BY MS. ROSENTHAL:

18 Q. Okay. I was asking where you were
19 living --

20 A. Oh, I thought you were referring
21 to him.

22 Q. And did you know any of his family
23 members?

24 A. Yes.

Monique Solomon
7/22/2022

1 Q. And who did you know?

2 A. His sister Shanita Star.

3 Q. Mm-hmm. How did you know her?

4 A. She was in a relationship with my
5 cousin.

6 Q. Who's your cousin?

7 A. Jonathan Jones.

8 Q. Are they still in a relationship?

9 A. No.

10 Q. Is that your first cousin?

11 A. Yes.

12 Q. Okay. Do they have any children
13 together?

14 A. No.

15 Q. Okay. Were they ever married?

16 A. No.

17 Q. Okay. And any other connections
18 to his family?

19 A. Again, like we grew up together
20 so, like, I do know a lot of his family
21 from the neighborhood. His sister Annette
22 Outlaw.

23 Q. And what was your relationship
24 with her?

Monique Solomon
7/22/2022

1 A. We grew up together so we were
2 friends.

3 Q. Okay. Would you say that you were
4 closest to Annette, Shanita or Donald or
5 they were all hi and bye?

6 A. I was pretty much closer to the
7 sisters.

8 Q. Okay. Were you aware of the Jamal
9 Kelly shooting when it took place?

10 A. No.

11 Q. So were you -- did you hang out in
12 the neighborhood with other people who were
13 involved in that, like did you know Charles
14 Paladino at the time?

15 A. No.

16 Q. Lamar Rogers?

17 A. No.

18 Q. Okay. So I take it you didn't,
19 like, live in that immediate couple of
20 block radius from where it took place?

21 A. No.

22 Q. Okay. So you said you lost touch
23 with Mr. Outlaw at some point?

24 A. Yeah. Again, like I know him from

Monique Solomon
7/22/2022

1 the neighborhood and it's like if I would
2 see him out, hi or if I would see him at a
3 family event or something like that, hi.
4 But I wouldn't, like, actively see him out.
5 Like, we didn't run in the same circles.

6 Q. Were you aware when he was charged
7 with the Jamal Kelly murder?

8 A. No.

9 Q. Were you aware when he was
10 convicted?

11 A. No.

12 Q. So did you say you had lost
13 contact with him or --

14 A. I mean, is hi and bye really
15 contact, because it's like, you know, I
16 would see him out. It's not like I had his
17 phone number.

18 Q. Right. It wasn't a distinct,
19 like, difference?

20 A. Yeah.

21 Q. Once he was incarcerated, did you
22 have contact with him?

23 A. We started communicating in 2008.

24 Q. Okay. So what precipitated that?

Monique Solomon
7/22/2022

1 A. One night I was at his sister's
2 house and he called, and he and his sister
3 were talking and she was telling him how I
4 work at a law office and maybe I could help
5 him, and we started communicating through
6 that. I think I might have wrote him a
7 letter and he responded to my letter.

8 Q. And was the sister Annette or
9 Shanita?

10 A. Annette.

11 Q. When you began assisting with his
12 case, was that almost immediately from when
13 you began communicating with him?

14 A. No, it wasn't really immediately.
15 Like, we exchanged some letters back and
16 forth. And then, like, once I learned more
17 about his case or once he, like, told me
18 about his case and how he didn't do it and
19 how he was fighting to overturn his
20 sentence.

21 Q. And were you helping him through
22 your law firm or was it something
23 independently that you were doing? Did you
24 understand that question?

Monique Solomon
7/22/2022

1 A. Independently.

2 Q. So your law firm had nothing to do
3 with it?

4 A. No.

5 Q. And you said you're still
6 currently married to Mr. Outlaw?

7 A. Yes.

8 Q. And living together?

9 A. Yes.

10 Q. Does Mr. Outlaw have any
11 additional wives to your knowledge?

12 A. Well, I'm trying to see how to
13 answer this because, you know, in the
14 Commonwealth of Pennsylvania you can only
15 be married to one person. And I'm his
16 legal wife, so that's my answer.

17 Q. Well, what about nonlegal?

18 A. Well, nonlegal would be --

19 Q. Religious or spiritual marriage?
20 Am I correct -- well, let me strike that.
21 Let me back up.

22 Am I correct that you had like a
23 religious ceremony where you were married
24 to Mr. Outlaw in advance to becoming

Monique Solomon
7/22/2022

1 legally married?

2 A. Yeah.

3 Q. So talking about the former type
4 of marriage, does Mr. Outlaw have any
5 additional wives beyond you even if they're
6 not legal wives?

7 MR. VAN NAARDEN: I'll
8 object, but you can answer.

9 MS. ROSENTHAL: On what
10 ground?

11 MR. VAN NAARDEN: What's
12 the relevance? There's no
13 consortium claim here.

14 BY MS. ROSENTHAL:

15 Q. You can answer.

16 A. Yes.

17 Q. One or more?

18 MR. VAN NAARDEN:
19 Objection. I'll just keep
20 objecting so it's on the record.

21 THE WITNESS: I mean, I
22 don't personally know.

23 BY MS. ROSENTHAL:

24 Q. You don't know who the person is?

Monique Solomon
7/22/2022

1 A. I don't know how -- I don't, like,
2 have a relationship with his wife to know
3 who she is.

4 Q. You don't know her name?

5 A. I do know her name.

6 Q. What's her name?

7 A. Well, they're not married anymore.

8 Q. Oh, they had a divorce?

9 A. Yes.

10 Q. Okay. So first of all, let's
11 begin with what's her name?

12 A. Zykia.

13 Q. Sorry?

14 A. Zykia.

15 Q. Can you spell that?

16 A. Z-y-k-i-a.

17 Q. And last name?

18 A. I'm not sure of her last name.

19 Q. Does she have any addition -- does
20 she go by any other name?

21 A. I'm not sure what she goes by.

22 Q. And when did they become married?

23 A. I'm not sure of an exact date.

24 Q. Approximately?

Monique Solomon
7/22/2022

1 A. I'm not sure of an approximate
2 date.

3 Q. How did you learn of the marriage?

4 A. Donald told me.

5 Q. And when did they become divorced?

6 A. I'm not sure of an exact date.

7 Q. When did you learn they became
8 divorced?

9 A. I don't remember an exact date.

10 Q. Would you say that you actively
11 practiced polygamy?

12 MR. VAN NAARDEN:

13 Objection. Don't answer that
14 question.

15 MS. ROSENTHAL: On what
16 basis are you instructing --

17 MR. VAN NAARDEN: It's
18 harassing. It's inappropriate.
19 It's -- what else -- also not
20 relevant at all.

21 MS. ROSENTHAL: All
22 right. I'll let that stand,
23 although I do believe there is a
24 consortium claim.

Monique Solomon
7/22/2022

1 MR. VAN NAARDEN: Under
2 the laws -- the federal laws that
3 dictate this case, you can't have
4 a consortium claim. It doesn't
5 exist. But if you want to add one
6 on voluntarily, I'm happy to add a
7 consortium claim onto the case to
8 increase its value. But there is
9 no consortium claim in 1983
10 actions.

11 BY MS. ROSENTHAL:

12 Q. When you began assisting with
13 Donald Outlaw's criminal case, when was
14 that?

15 A. I believe some time in 2009.

16 Q. And you were not doing that under
17 the supervision of an attorney, I assume?

18 A. No.

19 Q. At that point were you receiving
20 or at any point have you received payment
21 for your services?

22 A. No.

23 Q. These were -- were these services
24 that you were performing as part of your

Monique Solomon
7/22/2022

1 employment at your law firm you would
2 ordinarily bill for?

3 A. No.

4 Q. They were not paralegal services?

5 A. No.

6 Q. Why were you willing to perform
7 them for free?

8 A. Because I believed in Donald's
9 innocence and I wanted to help him and he
10 needed help.

11 Q. What tasks did you do for him,
12 just general categories of tasks?

13 A. Well, I posted flyers throughout
14 our neighborhood asking for help basically
15 for anyone to come forward with any
16 information that they remembered that
17 night, from that night.

18 Q. Anything else other than post
19 flyers?

20 A. I requested his files from other
21 attorneys.

22 Q. Did you ever file any documents
23 directly for him?

24 A. Yes.

Monique Solomon
7/22/2022

1 Q. Do you recall specific documents?

2 A. I don't.

3 Q. Was he represented by an attorney
4 at the time?

5 A. I believe he was not.

6 Q. Okay. Did you prepare documents
7 that others filed, that he filed pro se?

8 A. Yes.

9 Q. Did you prepare documents that
10 attorneys filed?

11 A. No, I don't believe so.

12 Q. Did you assist any witnesses with
13 writing statements?

14 A. No.

15 Q. Did you obtain any statements from
16 witnesses or -- let me strike that and
17 first ask, did you interview any witnesses?

18 A. I don't know if I would refer to
19 it as interview, but I've spoken to several
20 of a couple of the witnesses in this
21 case -- I meant in Donald's case where they
22 provided infor -- gave me information.

23 Q. And who are they?

24 A. Christopher Holder, Charles

Monique Solomon
7/22/2022

1 Paladino and I believe that's it. I'm not
2 sure.

3 Q. Okay. If you remember any others,
4 then let me know. With witnesses you spoke
5 to, did you facilitate obtaining statements
6 from them? I understand you said you
7 didn't write the statements themselves.

8 A. When you say facilitate
9 statements, like when I spoke to these
10 individuals, I, you know, would ask them if
11 they were willing to come forward and share
12 their story with his attorney or would they
13 be willing to help in his case moving
14 forward.

15 Q. Did you assist with getting any
16 statements notarized?

17 A. No.

18 Q. Did you visit any witnesses who
19 were incarcerated?

20 A. Yes.

21 Q. And who were those?

22 A. I went to see Charles Paladino.

23 Q. When was that?

24 A. I don't remember the exact date.

Monique Solomon
7/22/2022

1 Q. Can you give me an approximate
2 date?

3 A. I really don't know.

4 Q. Would 2015 ring a bell?

5 A. I'm not sure if it was 2015.

6 Q. Did anyone accompany you on the
7 visit?

8 A. My son.

9 Q. How long did you meet with him
10 for?

11 A. Maybe an hour, if that. I'm not
12 really sure the exact time frame.

13 Q. Why did you go visit him?

14 A. I just wanted to hear from Charles
15 Paladino, like, how he got wrapped up into
16 this, you know, how, what part he played in
17 this. And I can honestly say that, you
18 know, I was angry at Charles Paladino and I
19 couldn't understand how he could give these
20 statements saying that Donald did this and
21 then later come to court and say that he
22 didn't do this and then later say he lied
23 and, you know, it's not true, you know.

24 I wanted to understand how he got

Monique Solomon
7/22/2022

1 wrapped up into this and why did he do it.
2 And in having this conversation with
3 Paladino, I came to realize that he was
4 just as much a victim to the system as Don
5 was because here this person is weak,
6 addicted to drugs, a criminal background
7 and these detectives, you know, preyed on
8 that. They preyed on him being weak. They
9 preyed on his addiction, and these
10 detectives were supposed to be here to
11 protect and serve and they didn't protect
12 him.

13 Q. Did anyone ask you to go see him
14 or encourage you to go see him?

15 A. No.

16 Q. Did you speak to Donald Outlaw
17 about seeing him beforehand?

18 A. No.

19 Q. He never asked you -- he never
20 indicated that was something he wanted you
21 to do?

22 A. No.

23 Q. And what did you talk about --
24 what did you talk about when you saw

1 Charles Paladino?

2 A. I just asked him to tell me the
3 truth, tell me, like, how all of this
4 started, how he got involved in this and
5 why would he say that Donald did this if he
6 didn't.

7 Q. Did you find him credible?

8 A. After hearing Charles's story and
9 he telling me what he went through, I did
10 believe him. And at the same time, like, I
11 want to say I felt pity for him because
12 here he was this person saying that these
13 detectives beat him and made him say these
14 things or -- and here he was this person
15 where he said these things that weren't
16 true because he felt like he had no other
17 choice but to do what these detectives
18 wanted him to do where he felt like he
19 didn't have a voice.

20 Q. Were you aware when you met with
21 him how frequently he had been receiving
22 visitors at the time?

23 A. No.

24 Q. You didn't know that you were the

1 first visitor that he had seen in many
2 years?

3 MR. VAN NAARDEN:

4 Objection.

5 THE WITNESS: No.

6 BY MS. ROSENTHAL:

7 Q. Well, would it surprise you to
8 learn that you were the first visitor that
9 had seen him in years?

10 MR. VAN NAARDEN:

11 Objection.

12 THE WITNESS: No, it
13 wouldn't surprise me.

14 BY MS. ROSENTHAL:

15 Q. Why wouldn't it surprise you?

16 A. From my understanding, he doesn't
17 really have family.

18 Q. Is that one of the reasons why you
19 took -- you had pity for him?

20 A. No. My pity came from him telling
21 me his story, him accepting responsibility
22 and the fact that, you know, he did lie and
23 say that -- say these things that were
24 untrue.

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7/22/2022

1 MS. ROSENTHAL: We've
2 been going on for quite a while
3 now. Would it be okay if we took
4 a short break for lunch to get
5 something to eat because we still
6 have quite a while left?

7 MR. VAN NAARDEN: It's up
8 to you.

9 THE WITNESS: Okay.

10 MS. ROSENTHAL: So let's
11 return at 1:30. Would that be
12 okay?

13 THE WITNESS: What time
14 is it now?

15 MS. ROSENTHAL: It's
16 1:00. I assume from your reaction
17 you prefer a shorter break rather
18 than a longer one?

19 THE WITNESS: Yes.

20 MS. ROSENTHAL: Okay. We
21 won't go an hour.

22 MR. VAN NAARDEN: Is
23 Reading Terminal right here? Is
24 that where you guys go?

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1 MR. MAYS: It's 11th and
2 Market.

3 MR. VAN NAARDEN: That's
4 too far in this heat.

5 THE VIDEOGRAPHER: We're
6 now going off record. The time
7 now is 12:57 p.m.

8 (Lunch recess.)

9 THE VIDEOGRAPHER: We're
10 now back on record. The time is
11 1:38 p.m.

12 BY MS. ROSENTHAL:

13 Q. I'm going to show you another
14 document that I'm going to mark as Exhibit,
15 what are we up to, 4?

16 COURT REPORTER: Yes.

17 (Exhibit marked Exhibit 4
18 for identification.)

19 BY MS. ROSENTHAL:

20 Q. So I've marked as Exhibit 4 a
21 one-page document with the Bates No.
22 OUTLAWDA02022002691. Do you recognize this
23 document?

24 A. Yes.

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7/22/2022

1 Q. And can you describe what it is
2 briefly for the record?

3 A. I'm just reading through it.

4 Q. Yeah, take your time.

5 A. I believe this is a post I posted
6 on Don's Facebook page when I had created
7 him a social media, like, years ago.

8 Q. Is this a document that you
9 authored?

10 A. No, not in its entirety. Some of
11 this language is, like, from Donald.

12 Q. So you authored part of it and
13 Donald authored the other part; is that
14 correct?

15 A. I would say majority of it was
16 authored by Donald more so my part.

17 Q. Did anyone else participate in
18 authoring it other than you and Donald?

19 A. I don't believe so, no.

20 Q. Were you the one who typed up the
21 document?

22 A. Yes -- well, it was a post on
23 Facebook.

24 Q. Are you the one who typed this

1 document into a computer word processor?

2 A. Yeah, like I typed in the post on
3 Facebook.

4 Q. So you're saying this is an actual
5 post from Facebook?

6 A. Well, the content is the post.
7 This is more like a copy and pasted and
8 print.

9 Q. Okay. But you're the one who
10 typed in these words into the computer?

11 A. Yes.

12 Q. And when you say much of it was
13 authored by Donald, did he communicate the
14 portion he authored or how did he
15 communicate it to you, by phone, by mail?

16 A. I think by mail or email. I'm not
17 100 percent sure. I had started a Facebook
18 page for him in addition to handing out the
19 flyers, and I just asked for some content
20 to post on the Facebook page.

21 Q. Do you know what time period this
22 was written?

23 A. I don't. I'm sorry.

24 Q. Can you provide any estimate at

Monique Solomon
7/22/2022

1 all?

2 A. Well, just based off the last line
3 where I'm saying he's at SCI Dallas. So
4 when he was at Dallas, I'm not 100 percent
5 sure when he was transferred to Dallas.

6 Q. You don't have any independent
7 recollection or you're unable to provide
8 any?

9 A. Yeah, no.

10 Q. Was this flyer printed out and
11 posted anywhere or was it only posted on
12 Facebook?

13 A. Just Facebook.

14 Q. Do you still have this document in
15 your possession?

16 A. No, I do not.

17 Q. What computer did you type this
18 on, if you remember?

19 A. I'm not sure.

20 Q. Would you still have access to the
21 computer that you typed this on or do you
22 still have access to the computer that you
23 may have typed this on?

24 A. No.

1 Q. What -- well, let me strike that.

2 During the 2000 -- or sorry, strike that.

3 During the 2010 to 2015 time

4 period, did you own a computer?

5 A. Yes.

6 Q. And do you recall what type of

7 computer you owned? Was it one or more

8 than one?

9 A. Maybe a desktop and a laptop.

10 Q. What happened to those?

11 A. Desktop crashed. Laptop my niece

12 broke.

13 Q. Was this document ever transferred

14 to a back-up drive or to any other

15 computer?

16 A. No.

17 Q. Around what date did you create

18 the Facebook account or what was it, a

19 group? What did you create on Facebook?

20 A. A page for Donald.

21 Q. Okay. And when did you create

22 that?

23 A. I don't remember the exact date.

24 Q. Can you just provide your best

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1 estimate?

2 A. I don't know honestly. It was
3 years ago.

4 Q. And what happened to that page?
5 Do you still have access to it?

6 A. No.

7 Q. When was the last time you had
8 access to it?

9 A. I haven't had access to it in
10 years. When my laptop got messed up, I
11 lost access to it.

12 Q. You lost access to your Facebook
13 account?

14 A. Yeah, because my passwords and
15 stuff were saved on my laptop and I didn't
16 have them written down.

17 Q. Do you have a Facebook account
18 currently?

19 A. No, I do not.

20 Q. Have you had a Facebook account
21 since that time?

22 A. No.

23 Q. What was your Facebook username at
24 the time?

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1 A. Monique Solomon.

2 Q. What was the name of the group
3 that you created?

4 A. Oh, no. My personal Facebook
5 didn't have any of this up on it. The
6 Facebook that I created for Donald was just
7 solely Donald Outlaw Facebook.

8 Q. Oh, it was like a profile for him?

9 A. Yeah.

10 Q. Was the name Donald Outlaw?

11 A. It was something like Seeking
12 Justice for Donald Outlaw or something like
13 that.

14 Q. Was it ever deleted?

15 A. I'm not sure if, like, Facebook
16 deleted it due to it not being active.

17 Q. Who else posted on that -- did
18 anyone else have access to the account
19 other than you?

20 A. No.

21 Q. Who else posted on the account?

22 A. Nobody.

23 Q. Did you receive any re -- well,
24 I'm just -- well, first of all, do you see

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1 at the bottom it says also log onto
2 Facebook.com?

3 A. Right.

4 Q. I'm just a little bit confused.
5 If this was posted on Facebook -- you're
6 sure it was posted on Facebook, it said
7 also to log onto Facebook.com on the
8 Facebook posting?

9 A. Yes.

10 Q. Okay. So this wasn't printed out
11 and hung anywhere?

12 A. No.

13 Q. Did you get any leads through
14 Facebook?

15 A. Not really, no.

16 Q. And you believe that the account
17 was Seeking Justice for Donald Outlaw?

18 A. Yes.

19 Q. Would you have any record of the
20 name of the account anywhere that could
21 refresh your recollection?

22 A. No.

23 Q. Did you lose access to it? Is it
24 that you lost access to it or at some point

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1 you actively deleted it?

2 A. No. When my laptop was broken, I
3 lost access to anything that was on that
4 laptop.

5 Q. You said you lost access to the
6 password to the account?

7 A. Yes, to the account period.

8 Q. Okay. But you never took steps to
9 delete it. You just were unable to log
10 into it again?

11 A. I mean, it could be deleted. I
12 don't know the current status to the
13 Facebook page.

14 Q. But you never took steps to delete
15 it?

16 A. No.

17 Q. Okay. I want to show you another
18 document that I'm going to mark as
19 Exhibit -- what are we up to?

20 MR. VAN NAARDEN: 5.

21 MS. ROSENTHAL: 5.

22 (Exhibit marked Exhibit 5
23 for identification.)

24 BY MS. ROSENTHAL:

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1 Q. Do you recognize -- oh, sorry.

2 Just for the record, this is a one-page
3 document Bates marked OUTLAWDA02022002693.

4 Do you recognize this document?

5 A. Yes.

6 Q. Can you describe it for the record
7 briefly?

8 A. It's one of the flyers that I was
9 posting in our neighborhood.

10 Q. Did you author it?

11 A. Yes.

12 Q. Do you have this document in your
13 possession, custody or control?

14 A. I believe it's in the emails that
15 I produced because it would have been one
16 of the attachments to a document I sent one
17 of his attorneys.

18 Q. Was this saved on a computer when
19 it was sent as an attachment?

20 A. No, the document would be in my
21 email.

22 Q. When you sent it in your email,
23 did you attach it? Was it a file that was
24 saved in your computer that you attached to

Monique Solomon
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1 the email?

2 A. Yes.

3 Q. What was the date of this
4 document?

5 A. I don't know the exact date of
6 this document.

7 Q. Can you give me an approximate?

8 A. I can't. I don't know because
9 this is one of many flyers.

10 Q. Do you have an original document
11 unattached from the email in your
12 possession?

13 A. No, I don't.

14 Q. Do you know what computer you
15 drafted this on?

16 A. My desktop.

17 Q. The one that crashed?

18 A. Yes.

19 Q. Do you know what year it crashed?

20 A. I don't.

21 Q. Do you still have the crashed hard
22 drive?

23 A. I don't have anything of it.

24 Q. Did you delete this document prior

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1 to it being crashed?

2 A. No.

3 Q. Where did you get the photo on the
4 page?

5 A. Based off the way it's cut, I
6 think it's actually me and Don and I just
7 cut myself out of it.

8 Q. Now, at this time he was known as
9 Robert Outlaw. Is that -- well, I
10 shouldn't say at this time.

11 Well, would it be fair to say this
12 was likely posted in the 2010 to 2015 time
13 period?

14 A. Yes.

15 Q. At that time, was he known as
16 Robert Outlaw primarily?

17 A. Well, from my knowledge I don't
18 think he was ever known to anybody in our
19 neighborhood as Robert. His court case is
20 under Robert Outlaw. Like, no one from the
21 neighborhood would refer to him as Robert
22 that I'm aware of.

23 Q. Do you know how he got that alias?

24 A. No.

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1 Q. Okay. And you're listed as one of
2 the individuals to contact if you have
3 information regarding the shooting death.
4 There's a phone number listed next to your
5 name, 267-506-4966?

6 A. Yes.

7 Q. Was that a phone number that --
8 well, is that a phone number that you still
9 have?

10 A. No.

11 Q. Was it a cell phone or a landline?

12 A. A cell phone.

13 Q. What was the time period you had
14 that phone number?

15 A. I do not know.

16 Q. What are your current phone
17 numbers?

18 A. I just have one phone number.

19 Q. What's that?

20 A. 267-624-6304.

21 Q. Is that a cell phone?

22 A. Yes.

23 Q. What's the carrier?

24 A. AT&T.

1 Q. How long have you had that number?

2 A. I believe a couple of years. I'm
3 not exactly sure how many years.

4 Q. Have you had any other phone
5 numbers in the last couple of years?

6 A. Several.

7 Q. What phone numbers, do you know?

8 A. I do not.

9 Q. What's the reason for having
10 several phone numbers?

11 A. No really real valid reason other
12 than I wanted to change my number, so I
13 did.

14 Q. Why did you want to change your
15 number?

16 A. I can only -- whatever I was going
17 through in my life I wanted change and it
18 started with the changing of my number.

19 Q. Did you frequently have multiple
20 phone numbers at one time?

21 A. I have changed my number a couple
22 of times before.

23 Q. My question is a little different.
24 It's whether you -- whether you frequently

1 had multiple phone numbers at the same
2 time?

3 A. Oh, no, I always had one number.
4 And if I changed the number, it would
5 replace the number that I had.

6 Q. Okay. That makes sense. So this
7 was the one number that you had at the
8 time?

9 A. Yes.

10 Q. And did anyone help you author
11 this document?

12 A. No.

13 Q. And you said that you posted it
14 around?

15 A. Yes.

16 Q. Were you the one who printed it?

17 A. Yes.

18 Q. Do you remember approximately how
19 many copies?

20 A. Over 100.

21 Q. Do you know -- well, am I correct
22 that Katima Jackson ultimately saw a flyer
23 that led to contacting you?

24 A. Yes.

1 Q. Do you know if it was this flyer
2 or a different flyer?

3 A. I'm not sure exactly what flyer
4 she saw.

5 Q. Whose idea was it to post flyers?

6 A. It was my idea.

7 Q. I'm going to show you another
8 document that's marked -- I'm going to mark
9 as Exhibit 6. It's a one-page document
10 with Bates marked OUTLAWDA02022002692.

11 (Exhibit marked Exhibit 6
12 for identification.)

13 BY MS. ROSENTHAL:

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. Can you describe it for the
17 record?

18 A. This was the very first flyer that
19 I did.

20 Q. Okay. Do you remember around what
21 time period that was?

22 A. I don't remember the time period.

23 Q. Can you give me even like a rough
24 three-year estimate?

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1 A. I don't know.

2 Q. Do you remember how long after you
3 said you started assisting Mr. Outlaw in --

4 A. '09, so maybe this flyer is from
5 '09.

6 Q. Okay. And I understand that is
7 just an estimate. Did you author this
8 flyer?

9 A. Yes.

10 Q. And did you draft it on the same
11 desktop as the last flyer?

12 A. I'm not sure.

13 Q. Do you still have a copy of this
14 original document irrespective of any
15 emails?

16 A. No.

17 Q. Do you see that there's
18 handwriting Donald Outlaw aka Don Don?

19 A. Yes.

20 Q. Is that your handwriting?

21 A. No.

22 Q. Do you know whose handwriting it
23 is?

24 A. I believe it's his sister's

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1 handwriting. I'm not really sure.

2 Q. Which sister?

3 A. Annette Outlaw.

4 Q. And is there a reason why only
5 Annette's phone number is listed on this
6 one?

7 A. At the time I really didn't want
8 my phone number out there because it was,
9 like, my own line. And I was nervous about
10 having my phone number out there.

11 Q. Did you post -- do you remember
12 how many copies that you -- were you the
13 one -- sorry, strike that. Were you the
14 one who printed copies of these?

15 A. Yes.

16 Q. Do you remember how many copies
17 were printed and posted?

18 A. Maybe a little over 100. I'm not
19 exactly sure.

20 Q. Were they posted in the same area
21 as the prior flyers?

22 A. Yeah, this was the very first
23 flyer that we did and his name is written
24 on here like this because I forgot to put

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1 the name in the flyer so that's one of the
2 notes that she made and why we ended up
3 eventually coming up with a new flyer with
4 a picture and his name because it really
5 wasn't saying much on this flyer.

6 Q. Were different versions of the
7 flyer posted at the same time or were you
8 just --

9 A. No, one version at one time and
10 then when I recreated another flyer, then
11 that other flyer would no longer be active
12 and then a new one.

13 Q. Okay. So would it be fair to say
14 that Katima Jackson saw the last iteration
15 of the flyer? Did you post any additional
16 flyers after she contacted you?

17 A. I don't believe so.

18 Q. You don't believe that you posted
19 additional ones, yes?

20 A. Yes.

21 Q. All right. I haven't gone through
22 all the flyers, but we may come back to
23 that but I'm going to move on in the time
24 being.

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1 We've talked a bit about the name
2 Charles Paladino. When did you first
3 become familiar with that name?

4 A. Early on into my contact with
5 Donald and him telling me about his case
6 and just learning about his case.

7 Q. Is Mr. Paladino someone you've had
8 direct contact with?

9 A. Direct contact as in?

10 Q. Directly communicated with him.

11 A. We have communicated via letter.

12 Q. Have you -- you mentioned that you
13 had also met with him in person?

14 A. Yes.

15 Q. That was on one occasion?

16 A. Yes.

17 Q. Have you talked to him on the
18 phone at all?

19 A. No.

20 Q. What about over the GTL Department
21 of Corrections messaging system? Do you
22 know what I'm referring to?

23 A. Yes, I don't believe so.

24 Q. Is the answer no or you don't

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1 recall?

2 A. I don't recall. I don't think
3 I've spoken to him via that.

4 Q. And how many letters would you say
5 that you've sent to Mr. Paladino in total
6 approximately?

7 A. I'm not sure how many approximate
8 letters that I've sent to him. I know we
9 have corresponded.

10 Q. Can you give me a rough estimate?

11 A. I don't want to give you wrong
12 information, so I don't know how many
13 letters I've sent him.

14 Q. Would it be over 100? Could it be
15 over 100?

16 A. I can't imagine that it would be
17 but...

18 Q. What about between 50 and 100?
19 Would that be reasonable or that would be
20 surprising?

21 A. That would be surprising, but
22 again I'm not sure and I don't want to --

23 Q. It's possible. Would you say that
24 it -- do you have any idea if it's more

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1 than 20?

2 A. No, I'm not saying that it is or
3 it is not. I don't remember. I don't know
4 how many letters.

5 Q. When's the last time that you
6 received an email -- or sorry, a letter
7 from him or sent one to him?

8 A. I don't remember the last date.

9 Q. Was he incarcerated?

10 A. He was incarcerated.

11 Q. Is there any document that you're
12 aware of that would refresh your
13 recollection?

14 A. Maybe if I saw a letter.

15 Q. Any documents in your possession?

16 A. No, I don't have anything other
17 than what I produced already.

18 Q. Do you remember anything about the
19 last time you heard from him or you wrote
20 to him?

21 A. I don't remember our last contact.

22 Q. Do you remember if you had written
23 to him or if he had written to you?

24 A. I don't remember.

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1 Q. Okay. But you've had no contact
2 with him since he was -- well, I should be
3 more specific since I believe he's been out
4 of jail a couple of times.

5 Well, what about this, can you
6 tell me whether it was during the pandemic
7 or not that you had contact with him?

8 A. Oh, no.

9 Q. Before the pandemic?

10 A. When he was at SCI Benner.

11 Q. Okay. It's just I believe he's
12 been in jail since. When was the first
13 time you had contact with him?

14 A. When he was at SCI Benner.

15 Q. Okay. Can you provide a little
16 more detail about what you remember about
17 that?

18 A. Just that I wrote him a letter
19 asking him how was he involved, like.

20 Q. Did you speak to anyone about the
21 fact that you were going to write him a
22 letter beforehand?

23 A. No.

24 Q. How did you get his contact

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7/22/2022

1 information?

2 A. I looked him up.

3 Q. Using what?

4 A. Inmate locator.

5 Q. And nobody asked you to contact
6 him?

7 A. No.

8 Q. Do you have a copy of that letter?

9 A. I believe it's in with the stuff
10 with his attorneys.

11 Q. So that was a letter that you
12 retained that you wrote him?

13 A. Yes, I believe so.

14 Q. Okay. I'm just trying to
15 understand the distinction between this
16 letter which you retained and you had, I
17 believe and tell me if I'm wrong, but I
18 believe you testified your normal practice
19 would be just to throw away letters as you
20 receive them or sent them out. Why did you
21 retain this one?

22 A. I kept that letter based upon what
23 he said in the letter, which I don't
24 remember. I just know there is a letter, a

1 part of his file.

2 Q. I'm sorry. I don't understand --

3 A. A part of Donald's file.

4 Q. Yeah, I'm not sure I understand

5 your answer. What was it that made you

6 retain a copy of that letter when other

7 letters you've thrown away?

8 A. Well, because that was, like, the

9 first letter that I ever received from him.

10 Q. Is it because that you thought it

11 would be evidence potentially in his case,

12 Mr. Outlaw's case?

13 A. Yes.

14 Q. And is that letter -- you said you

15 provided a copy of the letter to his

16 attorneys, Mr. Outlaw's attorneys?

17 A. Mm-hmm.

18 Q. Which attorneys?

19 A. I believe Ed Foster.

20 Q. An original copy of the letter or

21 a copy?

22 A. I'm not sure if it was an original

23 or a copy. I'm not sure.

24 Q. Would you have had -- would you

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1 have saved a hard copy or would it have
2 just been on your computer or you don't
3 know?

4 A. I don't know.

5 Q. But that letter was one of the
6 letters that you burned after the case was
7 nolle prossed?

8 A. No, I wouldn't say that. I burned
9 his file. So if the letter was in that
10 file, then possibly. I can't say every
11 docum -- what was in the box with his
12 stuff.

13 Q. Do you still have access to the
14 computer that you typed the letter on?

15 A. No.

16 Q. Did you share the letter with
17 anyone else besides Mr. Foster?

18 A. No, I don't believe so.

19 Q. Did Mr. Paladino respond to your
20 letter?

21 A. Yes.

22 Q. Well, let me back up. What do you
23 recall about what you wrote in that letter?

24 A. I just asked him how he got

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1 wrapped up into this.

2 Q. Did you ask him to write an
3 affidavit?

4 A. No, I don't believe so.

5 Q. Did Mr. Paladino respond to your
6 letter?

7 A. Yes, I believe he did.

8 Q. Do you still have an original
9 version of it?

10 A. No, I do not.

11 Q. What did you do with it?

12 A. I believe I gave it to his
13 attorney.

14 Q. Do you have a specific
15 recollection of giving it to his attorney?
16 I'll represent to you that we have not
17 received an original copy from an attorney?

18 A. I don't know if it was an original
19 or a copy. I know that the letter was
20 produced to his attorney, so it could have
21 been a copy. It could have been an
22 original. I'm not sure.

23 Q. When's the time do you remember
24 seeing an original version of the letter?

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1 A. I don't remember.

2 Q. Is it possible it was in the

3 bonfire?

4 MR. VAN NEERDAN:

5 Objection.

6 BY MS. ROSENTHAL:

7 Q. You can answer.

8 A. Again, Donald's file that was

9 burned, it was his file. I can't name

10 every single document that was in the file.

11 It was his file.

12 Q. So it's possible that it was there

13 if we don't -- if we can't find it anywhere

14 else?

15 A. No. Again, I don't -- it was his

16 file that was destroyed because his case

17 was closed.

18 Q. Do you know whether that letter

19 was in the file?

20 A. I don't know if it was or if it

21 was not.

22 Q. I want to show you a document that

23 I'm going to mark as Exhibit -- what are we

24 up to?

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1 COURT REPORTER: 7.

2 (Exhibit marked Exhibit 7

3 for identification.)

4 BY MS. ROSENTHAL:

5 Q. Just for the record, this is a

6 four-page document Bates marked

7 OUTLAWDA02022002514 to OUTLAWDA02022002517.

8 We're going to mark it as Exhibit 7.

9 Do you recog -- I will give you a
10 second to take a look at it. Let me know
11 when you're ready to discuss it. You'll
12 have a chance as well when I ask questions,
13 but take as much time as you need. Do you
14 recognize this document?

15 A. I do, yes.

16 Q. And just for the record, can you
17 briefly describe it?

18 A. It's Paladino basically writing me
19 telling me how he got wrapped up into Don's
20 case.

21 Q. Okay. So is it correct that it's
22 a letter from Mr. Paladino to you dated
23 January 2nd and then the date is unclear at
24 the top?

1 A. Yes.

2 Q. Do you know what date it was?

3 A. I don't.

4 Q. To the best of your knowledge, is
5 this a true and accurate and complete
6 version of the letter that you received
7 from Mr. Paladino?

8 A. Yes, I believe so.

9 Q. Do you see how the first page has
10 a distortion?

11 A. Yes.

12 Q. It looks like something may have
13 been written across, but I don't know. Do
14 you know what that is?

15 A. I do not.

16 Q. Do you know if the original copy
17 of the letter had that?

18 A. I do not.

19 Q. I want you to turn to the second
20 page OUTLAWDA02022002515. Do you see that
21 same marking?

22 A. Yes.

23 Q. Do you have any recollection of
24 what that may have looked like on the

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1 original?

2 A. No, I don't know what that is.

3 Q. At any point, did you attempt to
4 alter this letter to reduce those -- well,
5 let me strike that. Do you remember
6 whether when you received it from
7 Mr. Paladino it had that marking or you
8 don't recall any marking on the page?

9 A. I don't recall.

10 Q. Did you at any point attempt to
11 alter this letter to make it more legible
12 to reduce those markings that you can
13 recall?

14 A. Absolutely not.

15 Q. I want you to turn to the last
16 page OUTLAWDA02022002517. This isn't the
17 best copy. I believe we have a different
18 copy where the words are a little more
19 legible, but I believe it says at the
20 bottom although the document speaks for
21 itself, P.S. I didn't -- P.S. I don't have
22 a copy of the attached letter to make a
23 copy and send to Don and/or his attorney
24 for the court record. I recognize some

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1 letters are cut off.

2 Do you recall seeing that on the
3 letter that he sent?

4 A. Yes, I never altered the letter so
5 this would be on there.

6 Q. Okay. That's not my question. My
7 question is whether you recall when you
8 were reading this letter did you remember
9 reading that? I understand you received
10 this a long time ago so you may not
11 remember.

12 A. I don't remember. But if this was
13 the letter sent, then this is the letter
14 that -- I wouldn't have made any changes to
15 the letter.

16 Q. Do you know -- reading that, does
17 it jog your memory at all when he said the
18 copy of the attached letter, what he's
19 referring to?

20 A. No, I figured he's talking about
21 this letter that he wrote, not like he
22 attached another letter in addition to this
23 letter.

24 Q. That's how you -- to me it's

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1 ambiguous so I'm just asking how you took
2 it. You believe he was referring to this
3 letter, but you don't recall whether -- do
4 you recall specifically whether anything
5 additional was in the envelope?

6 A. No.

7 Q. You don't recall?

8 A. I don't recall.

9 Q. Okay. Did you make a copy of this
10 letter and send it to Don or his attorney
11 for the court record?

12 A. Yes, I believe I did send it to
13 his attorney.

14 Q. And do you know who the attorney
15 was at the time?

16 A. I believe it was Ed Foster.

17 Q. Would you have sent that via
18 email?

19 A. Yes.

20 Q. Did you send Ed Foster documents
21 via regular mail at all?

22 A. I don't know. It's not impossible
23 that I would have sent him something in the
24 mail, but I'm not 100 percent sure.

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1 Q. So would you have scanned it in
2 then and sent it to him over email?

3 A. If I emailed it to him, yes, that
4 would have been how I sent it to him.

5 Q. Would you have any record other
6 than the emails to and from Ed Foster where
7 you could -- that would help refresh your
8 recollection of how it was sent or in what
9 form or no?

10 A. Can you repeat that?

11 Q. Yeah. Do you have any records or
12 documents that would help confirm one way
13 or another who it was sent to and what date
14 and whether it was by regular mail and --

15 A. Well, other than the email, yeah.

16 Q. Other than the email to Ed Foster?

17 A. Right.

18 Q. Okay. I want to show you another
19 document. I'm going to mark it as -- what
20 are we up to -- 8. Exhibit 8 is a one-page
21 document. It's a one-page document Bates
22 marked PLAINTIFF00316.

23 (Exhibit marked Exhibit 8
24 for identification.)

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1 BY MS. ROSENTHAL:

2 Q. Do you recognize this document?

3 A. Yes.

4 Q. Can you describe what it is?

5 A. It's the same document you gave me
6 in Exhibit 7.

7 Q. Okay. I just want you to take a
8 look at Exhibit 7. The first page marked
9 OUTLAWDA02022002514, do you notice any
10 discrepancies between the documents? This
11 isn't a trick question. Just does
12 anything --

13 A. No, I see the difference. And the
14 difference, I don't know why it's
15 different. I mean like, you know, the
16 paper --

17 Q. Well, just because we have a
18 stenographer can you describe what the
19 difference is?

20 A. Exhibit 7 looks like really, like,
21 balled up or destroyed or altered whereas
22 though Exhibit 8 is a clean copy.

23 Q. So would you agree that that
24 marking on the first page of Exhibit 7

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1 seems to be missing on Exhibit 8? Would
2 you agree this 2015 is filled in -- well,
3 sorry. Let me --

4 A. Well, I mean it looks whoever
5 copied this was a poor copy.

6 Q. So you believe that -- well, do
7 you have any recollection one way or
8 another about which was the original?

9 A. I mean, it looks like this clean
10 copy would be a better copy as opposed to
11 this copy, so no.

12 Q. I'm not asking you to assume. I'm
13 just asking if you have a recollection of
14 which is the original?

15 A. No. I mean, it looks like this
16 Exhibit 8 is a clean copy, so I would have
17 to think that this is the original because
18 it's the cleaner copy whereas though if 7
19 was an original, it wouldn't be an original
20 because we have 8 right here.

21 Q. But you don't recall one way or
22 another, for example, like you saw this
23 blemish on one?

24 A. No, I do not recall.

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7/22/2022

1 Q. Okay. And do you see on
2 PLAINTIFF003168, do you see how the 15 in
3 2015 looks a little lighter than the rest
4 of the date?

5 A. Yes.

6 Q. Also, do you see -- well, do you
7 see the last third there's a word day, the
8 following day a detective also appears to
9 be in a lighter font?

10 A. Where is that at?

11 Q. (Indicating).

12 A. Yes.

13 Q. Do you recall whether -- well, do
14 you recall what type of ink the original
15 was written in?

16 A. I do not.

17 Q. Do you recall there being
18 different colors of ink that were used?

19 A. No, I do not.

20 Q. At any point, is it your -- is it
21 your testimony that if 8 was altered from
22 Version 7 you have no idea how that
23 happened and you had nothing to do with it?

24 A. No, absolutely not.

Monique Solomon
7/22/2022

1 Q. Would you consider it to be
2 improper to be altering documents?

3 A. Yes.

4 Q. And that's why you would have
5 nothing to do with it?

6 A. Yes.

7 Q. Have you ever seen -- I know at
8 the beginning you said that you did
9 recognize this document. But now that you
10 see the differences, do you recall seeing
11 this version Exhibit 8? Do you recall
12 seeing this version of this page?

13 A. I recall seeing the letter as to
14 which version, this destroyed version
15 versus the cleaned copy. I mean, I
16 remember seeing the letter and the content.

17 Q. Okay. And again, you have no idea
18 who would have the original if it wasn't
19 for Ed Foster?

20 A. Correct.

21 Q. I'm going to show you a document
22 that I'm going to mark as 9.

23 (Exhibit marked Exhibit 9
24 for identification.)

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1 BY MS. ROSENTHAL:

2 Q. Just for the record, it's a
3 one-page document labeled Bates marked
4 OUTLAWDA02022002508. Do you recognize this
5 document?

6 A. Yes, it's an envelope from
7 Paladino.

8 Q. And is this the envelope that you
9 recall -- do you recall whether -- do you
10 know whether this is the envelope that the
11 letter we looked at, at Exhibit 7 arrived
12 in?

13 A. I'm not sure.

14 MR. VAN NEERDAN: Real
15 quick because I don't have the
16 Bates No.

17 MS. ROSENTHAL: Oh, I
18 didn't give you a copy of the
19 Bates No.?

20 MR. VAN NEERDAN: No, no,
21 it's okay. Was this -- is this
22 letter the production that came in
23 yesterday?

24 MS. ROSENTHAL: No, I

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1 think you have a Bates No.

2 MR. VAN NEERDAN: No, I

3 know I have a Bates No. But I --

4 MS. ROSENTHAL: OUTLAWDA0

5 is everything produced by the DA.

6 MR. VAN NEERDAN: Got it.

7 Yeah. That's what I thought.

8 Okay. Thank you.

9 BY MS. ROSENTHAL:

10 Q. Sorry, I got off track. Is it
11 your practice to normally copy envelopes of
12 letters that you receive?

13 A. No, I wouldn't say that it's
14 something I would do often.

15 Q. What made you copy this one?

16 MR. VAN NEERDAN:

17 Objection.

18 BY MS. ROSENTHAL:

19 Q. Sorry. Did you copy this one?

20 A. I believe I did. I don't really
21 remember.

22 Q. Would it surprise you if this was
23 sent to Mr. Outlaw and included in a court
24 filing?

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1 A. What do you mean?

2 Q. Would it surprise you if this
3 was -- a copy of this envelope was included
4 in a filing that Mr. Outlaw submitted in
5 connection with his Post Conviction Relief
6 Act proceedings?

7 A. Well, no, because I know this
8 letter was of a court filing so...

9 Q. So would it be fair to say that
10 you most likely copied it and sent --

11 A. Yeah, I just don't remember. I
12 know I provided this stuff. So if it's
13 here, yes, I did copy it. But from 2015
14 you're asking me do I personally remember
15 copying this letter today from 2015.

16 Q. Yeah, thank you for that
17 clarification. Is this a true and accurate
18 copy of the envelope as you remember it?

19 A. Yes, I would have not made any
20 changes to an envelope.

21 Q. And is that where you were living
22 at the time, 3708 Schuylkill Falls Lane?

23 A. Yes.

24 Q. Do you know what happened to the

Monique Solomon
7/22/2022

1 original of this envelope?

2 A. I don't know.

3 Q. If you sent it to Mr. Outlaw, do
4 you know if you would have sent -- I don't
5 understand you don't have a specific
6 recollection?

7 A. I don't know that I would have
8 sent him an original envelope, so I'm not
9 sure.

10 Q. What would be the normal practice
11 where you were going to send him mail
12 pertaining to his legal case? Is that
13 something that you would send in hard copy
14 mail or you would send in the GTL messaging
15 system?

16 A. Well, if I'm sending him a
17 document, it would be a hard mail. But if
18 I'm, like, sending him something that's
19 from me, then it would be hard mail or GTL
20 if it was something that I could just type.

21 Q. Do you know whether you saved this
22 envelope for any period of time or you
23 immediately threw it away upon receipt and
24 scanning it?

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1 A. I don't remember.

2 Q. Did you usually keep documents
3 that were relevant to Mr. Outlaw's case?

4 A. Yes. Well, I had a copy of his
5 file, and this was a part of his file so I
6 did have a copy of his file.

7 Q. When you say this is a copy of his
8 file, what do you mean by that?

9 A. Well, because this was something
10 that was filed in court because you just
11 said that this document was attached to a
12 court proceeding.

13 Q. Okay. What about documents that
14 were pertinent to his case that were not
15 attached to a court proceeding, did you
16 keep those in the file?

17 A. Well, any documents that I had
18 were pertaining to his file which is his
19 court case so...

20 Q. Okay. So it would have been
21 unusual for you to dispose of a document
22 pertaining to his court case during
23 proceedings?

24 A. Well, a legal document? What kind

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1 of document are you referring to?

2 Q. A document like this. Let's say
3 it wasn't filed in court. If you received
4 a letter from Charles Paladino that's
5 talking about his criminal case in an
6 envelope, is that something you would
7 usually save as part of the file?

8 A. Yeah, because I feel like this
9 file is a part of it because he's
10 explaining Don's case.

11 Q. I want to show you another
12 document I'll mark as Exhibit -- what are
13 we up to?

14 COURT REPORTER: 10.
15 (Exhibit marked Exhibit
16 10 for identification.)

17 BY MS. ROSENTHAL:

18 Q. This is a two-page front and back
19 document Bates marked OUTLAWDA02022002399.
20 Do you recognize this document?

21 A. Yes, I do.

22 Q. Can you describe it briefly for
23 the record? Just the name of the affidavit
24 and the date is fine.

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1 A. This is an affidavit from Charles
2 Paladino dated January 27th of 2015?

3 Q. At what point did you receive this
4 affidavit or did you receive this
5 affidavit?

6 A. I believe I did receive a copy of
7 this affidavit. As to when I received it,
8 I'm not sure of the exact date.

9 Q. If Mr. Paladino had testified that
10 this was an affidavit that you drafted and
11 gave to him to sign, would that be false?

12 MR. VAN NEERDAN:

13 Objection.

14 BY MS. ROSENTHAL:

15 Q. Go ahead.

16 A. Yes, that would be false.

17 Q. You played no part in drafting
18 this affidavit?

19 A. I did not.

20 Q. Given your experience with your
21 husband and others who are incarcerated,
22 are you aware of inmates having access to
23 nontypewriter or word processing?

24 A. No.

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1 Q. So would it be unusual that
2 someone who was incarcerated would have
3 typed up this document in this font?

4 A. Well, inmates do have access to
5 typewriters and word processors.

6 Q. Sorry. Typewriters and word
7 processors?

8 A. Yeah, I believe so. Because I
9 believe just -- I believe Donald had a
10 typewriter and then later as time went on,
11 they gave them something else like a word
12 processor type of thing.

13 Q. In 2015, do you know if they had
14 access to word processors?

15 A. I don't know, no.

16 Q. Do you -- what do you remember
17 about receiving this affidavit? Did you
18 have any communications with Mr. Paladino
19 prior to receiving it about an affidavit?

20 A. I don't remember.

21 Q. I want to show you a document that
22 I'm going to mark as Exhibit --

23 COURT REPORTER: I think
24 it's 11.

1 BY MS. ROSENTHAL:

2 Q. Okay, 11. Actually, strike that.

3 Did you speak to Mr. Paladino about the
4 content of that affidavit prior to it being
5 drafted?

6 A. I don't believe so.

7 Q. Had you visited Mr. Paladino prior
8 to January 27, 2015?

9 A. I did visit Paladino. I don't
10 know the exact date I went to see him.

11 Q. Okay. Let me show you -- I'm
12 going to show you a document that I'm
13 marking as Exhibit 11. It's a one-page
14 document Bates marked CITY016932.

15 (Exhibit marked Exhibit
16 11 for identification.)

17 BY MS. ROSENTHAL:

18 Q. Have you seen this document
19 before?

20 A. No, I'm not sure what this is.

21 Q. Yeah. I'll represent to you that
22 this is a printout that we received from
23 the Department of Corrections. It shows
24 Mr. Paladino's visit history between 2017

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1 and 2019. Do you see the first two entries
2 show --

3 A. Yes.

4 Q. Do you see the first entry is
5 dated 12/31/2017 and has your name Monique
6 Outlaw next to it and then underneath that,
7 there's another entry of the same date that
8 has your son's name?

9 MR. VAN NEERDAN:

10 Objection. You can answer.

11 THE WITNESS: Yes.

12 MS. ROSENTHAL: Sorry.

13 What's the basis of the objection?

14 MR. VAN NEERDAN: These
15 are the documents that were
16 produced to us last night,
17 correct?

18 MS. ROSENTHAL: No.

19 MR. VAN NEERDAN: I
20 believe they are. They were in
21 the Bates range of stuff that we
22 got from the Department of
23 Corrections last night.

24 MS. ROSENTHAL: I'll tell

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1 you this was not produced last
2 night.

3 MR. VAN NEERDAN: Okay.

4 All right then.

5 MS. ROSENTHAL: Sorry.

6 Can you repeat back my question?

7 (The last question was
8 read back.)

9 THE WITNESS: Yes.

10 BY MS. ROSENTHAL:

11 Q. Does that refresh your
12 recollection about your visit with
13 Mr. Paladino and the date that it occurred?

14 A. Yes, it does.

15 Q. Looking at this, do you believe
16 that you visited him on 12/31/2017?

17 A. Yes.

18 Q. And you only visited him one time;
19 is that correct?

20 A. Yes.

21 Q. Okay. So turning back to Exhibit
22 10, you had not visited him before the date
23 of this affidavit January 27, 2015?

24 A. No, I visited him on December 31st

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1 of 2017.

2 Q. So you wouldn't have talked to him
3 about it in person; is that correct?

4 A. No.

5 Q. And you did not talk to him on the
6 phone?

7 A. No.

8 Q. Do you recall any written
9 correspondence where the contents of the
10 affidavit were discussed?

11 A. We have correspondence in writing.
12 As far as what was said in the letter, I
13 don't remember. Well, he sent me this
14 affidavit, right, there's a letter.

15 Q. I don't believe they're the same
16 date. I'm trying to understand how you
17 received this later if you don't have
18 any --

19 A. Right.

20 Q. -- of it. So as far as you
21 remember, you didn't ask him for an
22 affidavit or tell him what to say in it.
23 He just sent this to you out of the blue?

24 A. No -- well, that affidavit is

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1 dated in 2015 and I saw him in 2017.

2 Q. Sorry. For context, I think we
3 were talking about -- well, maybe it would
4 help to show you a document that I don't
5 have a copy of, so we'll have to wait until
6 a break and move on.

7 After you received this affidavit,
8 do you remember if you sent a letter back
9 to him?

10 A. I don't remember.

11 Q. At any point, have you or anyone
12 you know deposited any money on
13 Mr. Paladino's prison inmate account?

14 A. No.

15 Q. Okay. I'm going to jump around a
16 little bit so you don't get too bored.

17 I want to ask you about the DOC
18 GTL messaging system. You said that you're
19 familiar with that?

20 A. Yes.

21 Q. Okay. What is it? Can you
22 briefly describe it for us?

23 A. I believe it's a system used to
24 send emails back and forth. Well, isn't it

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1 called ConnectNetwork?

2 Q. You could be right. Is it a text
3 message or an email system?

4 A. I think it's email.

5 Q. Do you have to request to contact
6 an inmate or they can request contact to
7 you?

8 A. I don't think you have to request
9 contact. I think if you put in their
10 inmate number, their name pops up and you
11 can write them. I don't know if -- I think
12 you do have to reach out to them before
13 they can write you.

14 Q. Does it cost to send a message?

15 A. Yes, because you have to buy
16 stamps or -- yeah.

17 Q. Is there any rule that you're
18 aware of that inmates can't send messages
19 to other inmates directly?

20 A. I'm not sure.

21 Q. Are you able to send attachments
22 through this system?

23 A. I don't think so.

24 Q. How long after a message is sent

1 or received do you have access to it
2 through the system?

3 A. I'm not sure.

4 Q. Well, in your experience using the
5 system if you've sent a message if you log
6 back in, is that message saved in your
7 account?

8 A. So you're asking if I send a
9 message and I send the message and the next
10 day I go back in, if I'll still be able to
11 see that message?

12 Q. Yeah, like Gmail.

13 A. Yes.

14 Q. And does it save for a certain
15 period of time until you delete it?

16 A. No, I believe it does save for a
17 certain amount of time. I'm not sure how
18 much time.

19 Q. But until it is -- until that time
20 elapses which you're not sure how long it
21 is, you'd have to actively delete them. Is
22 there an option for that?

23 A. I'm not sure if there is or is
24 not.

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1 Q. Have you used the messaging system
2 to send or receive messages from any
3 individuals who are incarcerated?

4 A. I do have a ConnectNetwork
5 account.

6 Q. And have you used that account to
7 send or receive messages?

8 A. Not recently, but my son does have
9 access to my ConnectNetwork and he has a
10 couple of contacts on there that he use to
11 send messaging and money back and forth to
12 his friends.

13 Q. You can use that system to send
14 money?

15 A. I believe so.

16 Q. Sorry. Your son has his own
17 account or he uses yours?

18 A. No, he uses my account. I haven't
19 really used ConnectNetwork since Don has
20 been home, maybe a couple times after, but
21 no.

22 Q. Okay. My question is just not --
23 I'm not asking about the very recent past.
24 I'm just asking in general have you used

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1 the system to send and receive messages?

2 A. Yes.

3 Q. Starting approximately when?

4 A. Whenever it started up.

5 Q. Okay. Who do you remember --

6 well, can you give me the names of anyone
7 you remember communicating with using that
8 system?

9 A. Donald.

10 Q. Anyone else?

11 A. I know I have a couple of names on
12 there, but I mean, my cousin --

13 Q. I'm just asking who you remember
14 having sent or received a message from?

15 A. Like a couple of family members.

16 Q. Okay. Who are they?

17 A. Lydell Heyward, my cousin.

18 Q. Sorry. Say the name again.

19 A. Lydell Heyward and a family friend
20 Timothy Baker.

21 Q. Anyone else?

22 A. I know I've sent messages, but I
23 can't remember, like, every single person
24 that I've sent a message to on there.

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1 Q. Do you have to register for an
2 account?

3 A. Yes, like you sign up.

4 Q. Okay. So can you describe the
5 process of what you have to do to sign up,
6 what information you have to enter?

7 A. First, last name and your credit
8 card information I believe.

9 Q. You said your son has access to
10 your account?

11 A. Mm-hmm.

12 Q. Does he also have his own account?

13 A. I don't believe he has his own
14 account. He uses my account.

15 Q. When did you share your password
16 with him? How long has he had access to
17 your account?

18 A. I'm not sure of the exact date,
19 but he's had access to it for a while.

20 Q. Can you give me -- did he have
21 access when your husband was incarcerated?

22 A. I don't think so. I don't
23 remember.

24 Q. Has anyone else had access to your

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1 password?

2 A. No.

3 Q. If an inmate had access to your
4 password, would they be able to just log in
5 into the account and use it?

6 A. No, I don't believe so.

7 Q. Has your husband ever had access
8 to your account?

9 A. I don't think so, but it wouldn't
10 be impossible, like, if he wanted to send a
11 message. Like, I wouldn't say no.

12 Q. Well, does he have your password?

13 A. No. But again, if he wanted to
14 send an email and he said, let me send an
15 email, like, I would open up my phone and
16 let him use it.

17 Q. Is that a hypothetical or has it
18 happened?

19 A. No, I'm just saying, like, I don't
20 want to say yes and I don't want to say no.
21 I'm saying it's not impossible for him to
22 have sent a message since him being home.

23 Q. Are you aware of any instances
24 where he's asked to use your account?

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1 A. No.

2 Q. Have you ever opened more than one
3 account?

4 A. No, not that I can recall.

5 Q. Have you ever used anyone else's
6 account to send a message?

7 A. No.

8 Q. If a message is deleted, are you
9 able to see it? Is there a deleted box?

10 A. I don't believe so.

11 Q. And then how do you get
12 notifications? I'm asking because I really
13 don't understand the system so --

14 A. I believe it comes to your email
15 or if you have the app, like it notifies
16 you via the app, like you have an message.

17 Q. I'm going to show you a document
18 that I'm going to mark as --

19 COURT REPORTER: 12.

20 (Exhibit marked Exhibit
21 12 for identification.)

22 BY MS. ROSENTHAL:

23 Q. This document does not have --
24 this is produced in native form so it

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1 doesn't have a Bates No. on it, but I'm
2 happy to at a break look up the Bates No.
3 of the big packet. It's just an excerpt
4 from that document. It's a one-page
5 excerpt from GTL messages produced by the
6 DOC of Wesley Harmon's account.

7 So I'm going to represent to you
8 this is a page of outgoing G -- of outgoing
9 messages. I was going to say GTL, but you
10 may be correct, it's titled something
11 differently, produced by the Department of
12 Corrections, Wesley Harmon's account. I
13 want to turn your attention to the second
14 entry.

15 Do you agree that it appears to be
16 a message sent by Wesley Harmon to your
17 account dated 10/29/2016?

18 MR. VAN NEERDAN:

19 Objection.

20 THE WITNESS: Yes.

21 BY MS. ROSENTHAL:

22 Q. Do you recall this message?

23 A. I don't remember this message, but
24 I do see that it was sent to me so...

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1 Q. First, before I get into it, who
2 is Wesley Harmon? Is he someone you know?

3 A. Yes.

4 Q. When did you come to meet him?

5 A. I know Mr. Harmon through Donald
6 being incarcerated, and he's also -- him
7 and Donald are friends.

8 Q. Has he had a romantic relationship
9 with any of Mr. Outlaw's family members?

10 A. Yes.

11 Q. And who's that?

12 A. His sister.

13 Q. Were they married?

14 A. No.

15 Q. Do they have any children
16 together?

17 A. They share a child.

18 Q. And when -- has it been a constant
19 relationship or is a relationship that --
20 is it a relationship with a start-end date?
21 Well, first of all, are they still in a
22 relationship?

23 A. No.

24 Q. Do you know when they first began

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1 a relationship with one another?

2 A. No.

3 Q. Okay. Have they been off and on
4 or constant?

5 A. I don't know about their
6 relationship.

7 Q. How old is their son?

8 A. Daughter.

9 Q. Daughter?

10 A. I know she's grown. She's over
11 21.

12 Q. What's her name again?

13 A. Ishira Star.

14 Q. That's the only child they have
15 together?

16 A. Yes.

17 Q. Is Mr. Harmon married, if you
18 know?

19 A. I believe he's married.

20 Q. Who is he married to, do you know?

21 A. I'm not sure.

22 Q. Is this message addressed to you
23 as you read it?

24 A. Well, in the letter he's saying

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1 Bro so...

2 Q. It starts with you -- you see it
3 starts with Asa. Is that a name or a
4 greeting?

5 A. It's the Islamic greeting.

6 Q. Okay. And do you see it says in
7 the subject Don?

8 A. Yes.

9 Q. Do you believe reading this or can
10 you tell if this is addressed to -- this
11 message is addressed to Don or you have no
12 idea?

13 A. I mean, he has his name in the
14 subject line and he does refer to him as
15 Bro so...

16 Q. Is it common practice for inmates
17 in your experience to send messages to
18 someone to pass them on to someone else?

19 A. In my experience, it does happen.

20 Q. So if you received this message --
21 if you received a message like this, how
22 would you pass it on?

23 A. I would tell Don that.

24 Q. On the phone or in person?

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1 A. Either or.

2 Q. Okay. I want to ask you, and you
3 may not know, but do you see in the first
4 line there's reference to Ali. I may be
5 pronouncing that wrong. It says, What's
6 going on Bro. I know Alli -- Ali. Do you
7 know who that's referring to?

8 A. No.

9 Q. Okay. Do you know what that
10 expression in the second line is, they took
11 a dime off?

12 A. It means 10 so...

13 Q. Oh, like 10 years off?

14 A. (Nodding affirmatively).

15 Q. Then I want to ask you a couple of
16 lines down do you see it says, I talked to
17 Maul or maybe Mal. Do you know who that's
18 referring to?

19 A. No.

20 Q. Do you know any individuals who go
21 by that name?

22 A. No, I don't think so.

23 Q. What about Rashee or -- I really
24 apologize if I'm mispronouncing --

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1 A. It's Rashee.

2 Q. Rashee?

3 A. Rashee is Wesley's brother.

4 Q. Okay. What is his full name?

5 A. I don't know.

6 Q. Okay. You don't know the last
7 name?

8 A. No.

9 Q. And then at the last line it says,
10 Tell -- you said you don't know who the
11 A-l-i is referring to?

12 A. Mm-hmm.

13 Q. And what about Little G?

14 A. No, I'm not sure.

15 Q. You don't know anyone by that
16 name?

17 A. No.

18 Q. Do you know whether this was a
19 message that you received or that your son
20 received?

21 A. This would have been a message
22 that I received just based off of the 2016
23 date.

24 Q. So I don't believe Wesley Harmon

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7/22/2022

1 is one of the individuals that you
2 mentioned as having communicated with over
3 the platform. Is he someone that you
4 communicated with?

5 A. Through this GTL?

6 Q. Mm-hmm.

7 A. Yes.

8 Q. More frequently than just this one
9 time?

10 A. I wouldn't say that we had
11 frequent communication, but it's not
12 uncommon for him to send me a message.

13 Q. Okay. I want to show you another
14 document. I'm going to mark it as
15 Exhibit --

16 COURT REPORTER: 13.

17 (Exhibit marked Exhibit
18 13 for identification.)

19 BY MS. ROSENTHAL:

20 Q. -- 13. This is also an excerpt
21 from a larger document, although I believe
22 I put the Bates No. that it came from at
23 the bottom CITY018846. This is -- I'll let
24 you know since you don't have the full

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1 document, this is a sheet of incoming
2 messages that Darrell Wyatt received using
3 the messaging system.

4 I want to turn your attention to
5 the first time -- well, first of all, do
6 you know someone named Darrell Wyatt?

7 A. Yes.

8 Q. Who is that?

9 A. He's a friend of Donald's.

10 Q. Do you know if they have any
11 relation or any relatives in common or --

12 A. No, I don't believe so.

13 Q. Okay. So do you know how they met
14 or what --

15 A. I believe they grew up together.

16 Q. Okay. Do you know if he's close
17 to any other of Donald's friends?

18 A. Like?

19 Q. Do they have friends in common?

20 A. Yeah. I mean, Wyatt's from the
21 neighborhood so they have a lot of friends
22 in common.

23 Q. Does he have any relation that you
24 know of to Mr. Harmon?

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1 A. I know they're friends.

2 Q. Okay. I want to draw your
3 attention to the first entry that's marked
4 12 -- or the date is 12/16/2018. Do you
5 see that this looks like an incoming
6 message from you to Darrell Wyatt on that
7 date?

8 A. So this is a message I sent to
9 him?

10 Q. Well, this is just the sheet that
11 shows incoming messages. And I can just
12 show you I only have the document. It
13 lists the inmate and then the individual
14 who I believe sent the message in the
15 second column, so that's what it appears to
16 be.

17 Do you have any recollection of
18 this message?

19 A. No, other than that it was sent to
20 me.

21 Q. Well, I believe it would have been
22 sent by your account.

23 A. Oh, I sent this to somebody -- I
24 meant to Wyatt?

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1 Q. Well, I'm just saying the document
2 appears -- that's what appears --

3 A. Oh, okay.

4 Q. Do you have any recollection of
5 this message?

6 A. Yes.

7 Q. Okay. So you specifically recall
8 sending this message?

9 A. I mean, I know it's from my
10 account, so yes.

11 Q. Do you have like -- are you
12 assuming that you sent it or do you
13 specifically remember this content, it
14 rings a bell?

15 A. I mean, what's in it, yeah, rings
16 a bell.

17 Q. Rings a bell. Okay. Is this a
18 message that you wrote on someone's behalf?

19 A. It would be a little bit of both.
20 Like, this is probably me sending Wyatt a
21 message just updating him on, like, what's
22 going on from Don.

23 Q. Okay. So in a couple of lines
24 down it says, I be talking with Sy. Would

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1 I be referring to you or to Don?

2 A. Don.

3 Q. Okay. So is this a message that's
4 from Don -- well, my question is confusing.

5 Is this a message that's written
6 from you to him or are you passing along a
7 message that Donald wrote, does that make
8 any sense?

9 A. I'm passing a message.

10 Q. Okay. And is that something that
11 you did frequently for your husband?

12 A. Well, people would, like, I might
13 reach out to one of his friends just to let
14 them know, like, what's going on or if Don
15 says reach out to Wyatt and tell him what's
16 going on, then I would message him.

17 Q. And is that again because inmates
18 weren't allowed to message each other
19 directly?

20 A. Yes.

21 Q. Okay. So I just want to ask you
22 about some names in this again to see if
23 you know who they are.

24 Do you see three lines down

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1 there's a reference to Chris?

2 A. Yes.

3 Q. Who's that?

4 A. I believe it was Chris Holder
5 because I believe Holder and Wyatt were
6 incarcerated at the same jail.

7 Q. Okay. It says, I told Chris to
8 get your info for me. Do you know what
9 that's referencing?

10 A. I guess I believe his contact
11 information.

12 Q. Oh, okay. And then skipping down
13 a few lines, do you see where it says, I be
14 talking to Sy on the regular, well, hit and
15 miss?

16 A. Yes.

17 Q. Who is Sy referring to?

18 A. Wesley Harmon.

19 Q. Did he also go by Sa?

20 A. Yes.

21 Q. Did he go by Sa as long as you
22 knew him?

23 A. Yes.

24 Q. So he is called both Sy and Sa?

1 A. Well, Sa is his Islamic name, so
2 majority of people will call him by his
3 Islamic name as opposed to his real name,
4 so yes.

5 Q. Sorry. You have to pardon my
6 ignorance. I thought his real name was
7 Wesley Harmon?

8 A. It is.

9 Q. Okay. So what's Sy?

10 A. His attribute for Sa or Saheem.

11 Q. Oh, okay.

12 A. When you're a Muslim, you have an
13 attribute and your attribute is your
14 Islamic name.

15 Q. Okay. So Donald Outlaw would have
16 known him as Sa since growing up?

17 A. Yes.

18 Q. They knew each other well before
19 he was convicted?

20 A. Yes.

21 Q. Then there's the next line down
22 says, That creepy ass nigga stalked Tanny.
23 Who's Tanny?

24 A. Tanny is Wyatt's sister.

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1 Q. Is Darrell Wyatt's sister?

2 A. Yes.

3 Q. What's her full name?

4 A. I don't know her full name.

5 Q. Do you know her by any other name?

6 A. I know her by Tanny, but I don't
7 think that's her full name.

8 Q. And then there's reference to JR?

9 A. JR is Tanny's baby father.

10 Q. Okay. Who's that?

11 A. It's like a big ol' soap opera.

12 Q. So I understand baby's father, but
13 what's his name?

14 A. JR. I don't know, like, his real
15 name.

16 Q. Okay. Tanny's baby father, but we
17 don't have any idea of any other
18 identifying characteristics. Is he known
19 by anything else?

20 A. As long as I've known him, he's
21 been known by JR.

22 Q. What about Jamil Rogers?

23 A. No.

24 Q. I'm just trying to think of a JR.

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1 All right. I think that's all I had.

2 Who's Charlie Williams? You see
3 his name or her name a bunch of times.

4 A. She's Wyatt's -- she has a child
5 by Wyatt.

6 Q. Okay. Does Donald have any
7 children?

8 A. He does.

9 Q. What are their names and ages?

10 A. Well, my son DeAndre, 24, and then
11 he has a son Donald, Jr.

12 Q. Did he adopt your son?

13 A. No.

14 Q. Okay. And sorry, who's the second
15 son?

16 A. Donald, Jr.

17 Q. And how old is Donald, Jr.?

18 A. I think maybe like four months,
19 three months.

20 Q. Is it Donald, Jr. Outlaw?

21 A. Yes.

22 Q. Who is the mother?

23 A. Zykia.

24 Q. Does he live with Mr. Outlaw or --

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1 A. No.

2 Q. With his mother. Okay. And those
3 are the only two children that he has?

4 A. (Nodding affirmatively).

5 Q. Okay. I'm going to show you
6 another document that I'm going to mark as
7 Exhibit --

8 COURT REPORTER: 14.

9 (Exhibit marked Exhibit
10 14 marked for identification.)

11 BY MS. ROSENTHAL:

12 Q. -- 14. It's a two-page, it's
13 front and back. It's an excerpt of Wesley
14 Harmon that the DOC produced.

15 So just to orient you, it looks
16 like these are one page of incoming
17 messages to Wesley Harmon and other pages,
18 a mix of incoming and outgoing messages the
19 Department of Corrections produced us. I
20 want you to turn to the page that has the
21 two boxes.

22 If you could look at the second
23 box, do you see that there's an entry July
24 29, 2016. It's an incoming message. It

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1 appears to be from you to Wesley Harmon?

2 A. Yes.

3 Q. Do you remember that

4 correspondence at all?

5 A. Yes, vaguely.

6 Q. Okay. Is this a message that you

7 were sending or you were sending on behalf

8 of someone else? Were you conveying a

9 message from someone else?

10 A. I would have been conveying a

11 message.

12 Q. And who would that message be

13 from?

14 A. I just want to read through it.

15 Q. Oh, go ahead.

16 A. Yes, this would have been from

17 Don.

18 Q. And you remember this message

19 vaguely you said?

20 A. Yeah.

21 Q. And so, is this normal practice

22 when he was asking you to convey a message

23 to tell you to send it in his account to

24 you to send it over or he would tell you on

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1 the phone or in person or he didn't really
2 have a normal practice?

3 A. He didn't really have a normal
4 practice.

5 Q. Okay. So I just want to ask you
6 again about names. The second line,
7 there's again reference to Rash. Did we
8 already go over?

9 A. We did.

10 Q. Who did you say that was? I
11 apologize.

12 A. Harmon's brother.

13 Q. Harmon's brother. And did you say
14 you had more information about his name or
15 no?

16 A. No.

17 Q. Okay. And then there's another
18 reference to Mal. And you said that you
19 didn't know who that was in the prior
20 message. Does looking at this refresh your
21 recollection anymore?

22 A. Not really. I don't really know
23 Mal personally. I know that, you know, Don
24 and Harmon have a friend named Mal, but I

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1 don't know him or I've never seen him.

2 Q. Okay. But you know that -- not to
3 say necessarily to know him, but there is
4 someone named Mal who Harmon and Don
5 have --

6 A. Yes.

7 Q. Is that the only individual that
8 they have -- that their mutual friends with
9 that name?

10 A. I don't --

11 Q. You don't know?

12 A. Yeah.

13 Q. Okay. So the person that you
14 know, can you give me more identifying
15 details about who that person would be?

16 A. I don't know this Mal person at
17 all.

18 Q. Okay. Do you know at all what
19 Donald's talking about when he says, Well,
20 I actually talked to Mal and he was talking
21 cash money?

22 A. He just means that when he spoke
23 to this person, the person was, like, just
24 bragging about, like, how he gets a whole

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1 bunch of money and if Don ever needed
2 anything, then he had him, which he didn't
3 because in the letter it said every time it
4 was time to meet up --

5 Q. Okay. You see the next line says,
6 He was like he got me. And if there's
7 anything, he's the man to see. But every
8 time he's supposed to link up with my wife,
9 it's a song and dance?

10 A. Right.

11 Q. So did that person ever try to
12 link up with you?

13 A. No.

14 Q. And was the cash money in exchange
15 for anything or --

16 A. No.

17 Q. Okay. Who's Jay who's referenced
18 on the next line?

19 A. I believe he's referring to JR,
20 but I'm not 100 percent sure.

21 Q. Is JR sometimes referred to as
22 Jay?

23 A. Not really, but that's the only
24 Jay that I would know of, but I'm not sure.

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1 Q. And then do you know what he's
2 referring to when he says, It looked extra
3 fishy, Bro. I didn't see the paperwork,
4 but fuck that, F word. Do you know at all
5 what he's referring to there?

6 A. I'm not sure.

7 Q. You have no idea at all?

8 A. No.

9 Q. So when he would tell you to send
10 these letters, he would just dictate them,
11 but you might not have any idea of what
12 he's saying?

13 A. No. Sometimes he might email me
14 or he might -- well, he might tell me
15 but...

16 Q. Was it frequent that you had no
17 idea what he was talking about when you
18 were conveying the message?

19 A. Sometimes, but honestly I don't
20 really get wrapped up into the street
21 language and stuff so...

22 Q. Okay. A few lines down it says,
23 Thanks for reaching out to folks for me
24 too. Do you know what he's referring to

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1 there?

2 A. No.

3 Q. Did Mr. Harmon reach out to anyone
4 to assist Mr. Outlaw with his case, his
5 criminal case?

6 A. No, not that I'm aware of.

7 Q. You're not aware of him
8 facilitating any transportation of
9 witnesses?

10 A. No.

11 Q. Or approaching witnesses and
12 asking them to write affidavits?

13 A. No.

14 Q. Sitting here today, are you
15 absolutely sure of that?

16 A. I don't believe so.

17 Q. Do you see it says, I need you to
18 put a (inaudible) of recommendation
19 together for my resentencing as well?

20 A. Yeah, a letter of recommendation.

21 Q. Did Mr. Harmon do that?

22 A. I don't believe he did --

23 Q. Do you know why?

24 A. -- but I'm not sure.

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1 Q. You were the one -- were you the
2 one who was responsible for compiling those
3 letters?

4 A. Yes.

5 Q. Do you remember if you had any
6 conversation with Mr. Harmon about whether
7 he would do that?

8 A. I don't remember.

9 Q. Okay. I want you to turn to the
10 back of the page. Do you see that there's
11 an entry 7/29/16 incoming? It looks like a
12 message from your account to Mr. Harmon
13 again.

14 Take a look at that and let me
15 know if you remember it at all.

16 A. So this is a message I sent to him
17 or he sent this to me?

18 Q. Well, it says incoming. So
19 usually that would mean -- outgoing means
20 when the inmate sends it out. Incoming
21 means that the inmate receives it.

22 So as far as I can just tell you
23 what this paper says. I believe it says
24 that it was a message he received.

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1 A. And you're asking me what this is?

2 Q. No, I'm just asking if you
3 remember this message?

4 A. Vaguely. It just looks like I'm
5 explaining how to do a letter of
6 recommendation -- I meant like a character
7 letter, not like a letter of
8 recommendation.

9 Q. You mean a letter for court?

10 A. Yeah.

11 Q. And was that in reference to Don's
12 case that you wrote that?

13 A. I'm not sure if it was in
14 reference to Don's case or if it was in
15 reference to Harmon's case.

16 Q. Did you assist Mr. Harmon with his
17 case at all?

18 A. No, but I'm not sure if he asked
19 about a character letter or if I sent this
20 to him so that he could write one for Don.

21 Q. Okay. You can put that one aside.

22 MS. ROSENTHAL: I'd like
23 to take a five-minute break so I
24 can try to narrow down what I

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1 asked you about so I don't
2 unnecessarily --

3 THE VIDEOGRAPHER: We're
4 now going off record. The time
5 now is 3:24 p.m.

6 (Brief recess.)

7 THE VIDEOGRAPHER: We're
8 now back on record. The time is
9 3:42 p.m.

10 BY MS. ROSENTHAL:

11 Q. Okay. When we went off the
12 record, we were reviewing messages the DOC
13 produced. I want to show you a few more.
14 I'm going to mark this one as Exhibit 15.
15 It's one page. It's a one-page excerpt
16 from Robert Outlaws's account.

17 (Exhibit marked Exhibit
18 15 for identification.)

19 BY MS. ROSENTHAL:

20 Q. Okay. I'm going to go through
21 this one real, real quick. As I said, this
22 is a one-page excerpt from the messages
23 that were produced from Robert Outlaw's
24 account, the incoming messages from the

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1 Department of Corrections.

2 I want to call your attention to
3 three lines from the bottom. You see
4 there's an entry Monique Solomon that's
5 dated September 19, 2016?

6 A. What was the date?

7 Q. It's three lines from the bottom,
8 September 19, 2016. And my question is
9 very limited. I'm just going to ask you if
10 you know who the individual's being
11 referred to as being Bust two lines from
12 the bottom?

13 A. One of his friends that he was
14 going to add to his visiting list.

15 Q. So do you know any identifying
16 information about that person?

17 A. It's Christopher Jones at the
18 bottom.

19 Q. Are you aware of anyone else that
20 you or Mr. Outlaw knows by the name of
21 Bust?

22 A. No.

23 Q. And then who is Christopher Jones?

24 A. Bust is a friend of Don's.

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1 Q. Is he a friend of yours as well
2 or --

3 A. I know of Bust through Donald and
4 him being incarcerated.

5 Q. Did they meet when they were
6 incarcerated?

7 A. No, Bust is from the neighborhood.

8 Q. And did they grow up together?

9 A. Bust is a lot older than Don, but
10 they -- he knows him from the neighborhood.
11 I'm not really sure.

12 Q. Do you see the next message down
13 it says, He said add him so he can come
14 holler at you about a couple of things and
15 then lists his name and address.

16 Do you have any knowledge about
17 what it is that he wanted to talk to Donald
18 Outlaw about?

19 A. No.

20 Q. Is Christopher Jones in any way
21 implicated or involved in Mr. Outlaw's
22 criminal case at all?

23 A. No.

24 Q. Okay. That's it for that one. I

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1 want to show you another. I'm going to go
2 through these real quick. Another I'm
3 marking as 16. It's a two-page excerpt
4 from Robert Outlaw's messages or outgoing
5 messages that it appears he sent.

6 (Exhibit marked Exhibit
7 16 for identification.)

8 BY MS. ROSENTHAL:

9 Q. So again, I'm just going to ask
10 you really direct questions about this. I
11 want you to take a look at the -- are we on
12 the same page, the one that has guess who,
13 good news at the bottom?

14 A. Yes.

15 Q. Do you see a message that appears
16 to be sent to you from Mr. Outlaw on
17 December 9, 2017 at the very bottom?

18 A. Yes, with a phone number?

19 Q. Yes. And I believe it
20 continues -- no, maybe that's a separate
21 email. No, I believe it's a separate
22 email.

23 Just focusing on this one, do you
24 recall this message?

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1 A. No, not really but...

2 Q. Do you know whose phone number
3 that refers to?

4 A. I don't.

5 Q. Okay. Looking on the opposite
6 page, do you see that there's an entry at
7 the very top dated December 9, 2017 that
8 appears to be sent from Mr. Outlaw to your
9 account?

10 A. Yes.

11 Q. Do you recall that message?

12 A. Yes, this is a phone number.

13 Q. Do you recall receiving this
14 message?

15 A. I don't recall receiving the
16 message, but this is my name right here
17 so...

18 Q. Do you know who Bounty refers to?

19 A. Bounty is someone that he was
20 incarcerated with.

21 Q. So is it your understanding that
22 Mr. Outlaw was -- do you know if he was
23 incarcerated with Mr. Outlaw at the time
24 this message was sent?

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1 A. I'm not sure.

2 MR. VAN NEERDAN: I'm

3 sorry. Where are you?

4 THE WITNESS: It's on the
5 back right here.

6 MR. VAN NEERDAN: Okay.

7 Thank you.

8 BY MS. ROSENTHAL:

9 Q. Well, would it make sense that he
10 was providing a number?

11 A. I don't know if what he's saying
12 this is Bounty's number or it could be
13 somebody like Bounty's folks.

14 Q. Do you have any idea why he's
15 providing either of these numbers to you?

16 A. No.

17 Q. Do you remember doing anything
18 with these numbers?

19 A. No.

20 Q. Do you know any other identifying
21 information for Bounty?

22 A. No.

23 Q. Do you know if he has anything to
24 do with Mr. Outlaw's criminal case?

1 A. No, he does not.

2 Q. Do you have any idea why with
3 respect to this number December 9, 2017
4 message, he would be sending the number
5 with good news?

6 A. I don't think the good news was
7 for this email. It looks like the good
8 news goes with this Saleema person.

9 Q. Okay. Well, either way it doesn't
10 ring a bell at all?

11 A. No.

12 Q. Were there particular numbers for
13 witnesses in the criminal case that he was
14 looking for that he did not have?

15 A. I don't believe so.

16 Q. Okay. You can put that one aside.
17 I'm going to mark this one as Exhibit 17.
18 It's a one-page excerpt of a native
19 document that was produced. It's a page of
20 outgoing messages from Robert Outlaw's
21 account.

22 (Exhibit marked Exhibit
23 17 for identification.)

24 BY MS. ROSENTHAL:

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1 Q. I want to call your attention to
2 the bottom message. Do you see a message
3 at the very -- oh, sorry. Do you not have
4 it yet?

5 Do you see a message at the very
6 bottom that appears to be sent from Robert
7 Outlaw to you dated January 9, 2018?

8 A. Yes.

9 Q. Take a second to look it over.
10 And then my question is whether you recall
11 receiving this message?

12 A. Yes.

13 Q. You recall receiving this message?

14 A. Yes.

15 Q. And is this a message that you
16 understood Mr. Outlaw was sending for you
17 to pass on to Ed Foster?

18 A. Yes.

19 Q. Do you see a couple lines down it
20 says, Paladino can confirm her presence and
21 I would like to subpoena him for my
22 upcoming evidentiary hearing?

23 A. Yes.

24 Q. And does her refer to Katima

1 Jackson?

2 A. Yes, I believe so.

3 Q. Do you have any knowledge as to
4 what led Mr. Outlaw to believe or at least
5 state that he believed as of January 2018
6 that Mr. Paladino could confirm
7 Ms. Jackson's presence?

8 A. What was the question again? I'm
9 sorry. I was --

10 MS. ROSENTHAL: Can
11 you --

12 THE WITNESS: -- reading
13 through.

14 (The last question was
15 read back.)

16 THE WITNESS: Not that I
17 can recall.

18 BY MS. ROSENTHAL:

19 Q. Did you ever have any
20 conversations with Mr. Paladino about
21 Katima Jackson at any point in time?

22 A. I believe that when I went to
23 visit him that we did -- we spoke on, like,
24 what happened that night and if he saw some

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1 other people there.

2 Q. Was the name Katima Jackson
3 specifically mentioned?

4 A. He did mention a woman, but I
5 don't remember if he specifically said her
6 name. I'm not 100 percent sure.

7 Q. What did he say about the woman?

8 A. Just that there was a female out
9 there that night.

10 Q. So could he have been referring to
11 Shelby Green?

12 A. I'm not sure.

13 Q. Did you ever -- do you recall any
14 conversation where you directly discussed
15 Katima Jackson using her name with
16 Mr. Paladino?

17 A. No, not that I can recall.

18 Q. Would you have said anything to
19 lead Mr. Outlaw to believe that
20 Mr. Paladino could confirm her presence as
21 of January 9, 2018?

22 A. I don't remember. I know that me
23 and Donald, we did have a conversation and
24 I told him, you know, what Paladino said.

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1 And again, I'm not 100 percent sure like if
2 he said her name or did not say her name.
3 I don't remember.

4 Q. When you say he, are you referring
5 to Mr. Outlaw?

6 A. No, Paladino.

7 Q. Okay. So tell me what do you
8 specifically recall -- I understand that
9 there's some things that may be murky. But
10 what do you specifically recall discussing
11 with Mr. Paladino about Katima Jackson?
12 Let's start with, did you specifically ask
13 whether he knows someone named Katima
14 Jackson?

15 A. No, I did not ask her -- if he
16 knew her. I don't recall having that
17 conversation with him.

18 Q. Do you recall -- so you recall
19 that he said he saw a woman out there and
20 he may have mentioned a person's name. Is
21 there anything else -- is that accurate?

22 A. Sorry. I'm just trying to think
23 back to, like, that conversation. Like, I
24 don't want to speak and then --

1 Q. It's okay if you don't remember.

2 A. I don't remember, like.

3 Q. Okay. That's fine. Do you
4 remember having any conversation with
5 Mr. Outlaw saying that Mr. Paladino could
6 confirm her presence? And again, I don't
7 want you to struggle to remember --

8 A. I'm saying, it's not impossible,
9 but, like, I don't recall this specific
10 conversation from 2018.

11 Q. That's totally fine.

12 A. I really just don't remember.
13 Like, I'm not trying to be difficult.

14 Q. No, that's totally fine. I don't
15 want you to say you remember because you're
16 trying and you don't remember.

17 A. It's like when this case was
18 dismissed, like, I was mentally allowed to,
19 like, forget stuff and not have to be
20 perfect and keep notes and do this and do
21 that. So it's, like, when you mentioned
22 the bonfire, it wasn't a bonfire. Like,
23 when I think of a bonfire, I think of this
24 big ol' fire surrounded by people having a

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1 good time. And although it was a
2 celebration, it wasn't a bonfire. It was
3 not a bonfire, but I didn't burn any
4 originals or burn, like, unimportant
5 documents. Like, anything that was in the
6 file was a copy. I don't -- just the whole
7 bonfire thing, I just wanted to --

8 Q. I'm not sure it's relevant what
9 type of fire it was rather than them going
10 in the fire.

11 I just want to be clear though
12 that the record is clear. I believe you
13 testified earlier that you were not sure if
14 originals were included in the file. And
15 so --

16 A. Well, in the file, Don's file that
17 I kept, like, my personal file of his
18 stuff, like any originals would have been
19 provided to counsel. So I can't imagine
20 that it would have been originals in that
21 file. It would have been copies, not
22 originals because his attorneys would have
23 had the originals.

24 Q. Well, I can just represent to you

1 that it does not appear that Mr. Foster has
2 that, so I'm just trying to figure out
3 where it is. And so, again are you sure
4 that you provided the originals to the
5 attorney or is it possible that the
6 originals were in -- especially if you
7 scanned them in and emailed them to an
8 attorney that that wouldn't be the
9 original?

10 A. Whatever I received and provided
11 to the attorney would have been the
12 documents that I provided to the attorney,
13 which would have been an original and
14 possibly would have been a copy as well,
15 because I mean it's being filed with the
16 court so...

17 Q. When you email it to Mr. Foster --

18 A. Yeah, but I'm saying, like, in
19 addition to emailing him, I sent him mail
20 too because we discussed that earlier where
21 you asked me if I provided hard copies or
22 if I emailed as well, and I said I did
23 both.

24 Q. Okay. Is there --

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1 A. I'm sorry. I just had a flashback
2 from the bonfire --

3 Q. That's fine. I want you to
4 correct if you think that your testimony is
5 incorrect.

6 Is there any way -- do you have
7 any -- well, let's get back to the
8 documents. Can you turn back to this
9 exhibit please at the bottom where it says
10 Lamar Rogers and Jabril Jones signed
11 affidavits confirming her presence?

12 A. Yes.

13 Q. Are you aware of whether Jabril
14 Jones had ever signed an affidavit at all
15 in this case?

16 A. Not that I'm aware, but I'm not
17 sure.

18 Q. Do you know where Mr. Outlaw would
19 have gotten that from?

20 A. I'm not sure.

21 Q. Did he obtain any affidavits on
22 his own?

23 A. I'm not sure.

24 Q. Did anyone else assist with

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1 obtaining affidavits other than you?

2 A. I'm not sure. Again, I came in,
3 you know, later, so I'm not really sure
4 what happened before me.

5 Q. Have you ever seen affidavits from
6 Jabril Jones confirming her presence?

7 A. Not that I can recall. But again,
8 I haven't seen Donald's file in its
9 entirety.

10 Q. What about Lamar Rogers? Do you
11 know if he had signed an affidavit at this
12 point confirming her presence?

13 A. I believe I do recall an affidavit
14 from Rogers.

15 Q. Before 2018?

16 A. Oh, I don't know of an exact date.

17 Q. What's your understanding of a
18 relationship between Ms. Katima Jackson and
19 Mr. Outlaw? Have they had any

20 communication prior to -- that you're aware
21 of prior to 2016 when she went to the jail?

22 A. No, not that I'm aware of.

23 Q. Would it surprise you if there was
24 documentation showing that he placed her on

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1 his visitor's list as his niece in 2010?

2 A. Oh, no.

3 Q. It wouldn't surprise you?

4 A. No, I didn't have any knowledge of
5 that.

6 Q. So my question is whether that
7 would surprise you?

8 A. Oh, yes, that would surprise me.

9 Q. Would it surprise you -- do you
10 have any understanding of whether they
11 engaged in any romantic relationship at any
12 point?

13 A. No, I don't believe so.

14 Q. Are you aware whether Ms. Katima
15 Jackson was visiting Mr. Outlaw in prison?

16 A. I know that she did go up to the
17 jail.

18 Q. You're talking about in 2013?

19 A. I'm not sure of the exact date,
20 but I know that she did visit.

21 Q. On a regular basis?

22 A. I wouldn't say regular, but I know
23 that she was there before.

24 Q. Did they develop a friendship to

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1 your knowledge?

2 A. I'm not sure. I mean, I know they
3 were in contact. I don't know like, you
4 know, how much they were in contact and
5 what they were in communication, talking
6 about.

7 Q. Did they have any mutual friends
8 that you're aware of?

9 A. Well, they're from the same
10 neighborhood so I believe they may have
11 people in common. I'm not 100 percent
12 sure.

13 Q. I'm going to show you a document
14 I'm going to mark as Exhibit -- what are we
15 on?

16 COURT REPORTER: 18.

17 (Exhibit marked Exhibit
18 18 for identification.)

19 BY MS. ROSENTHAL:

20 Q. -- 18. It's a several-page
21 printout of incoming messages received to
22 Robert Outlaw. I want to turn your
23 attention to the last page, the back.

24 Do you see the last entry marked

Monique Solomon
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1 March 17, 2016 that appears to be from
2 Katima Jackson Peterson to Robert Outlaw?

3 A. Yes.

4 Q. And do you understand Katima
5 Jackson to have gone by Katima Jackson
6 Peterson?

7 A. No.

8 Q. Okay. Understanding that you just
9 know her by Katima Jackson, assuming I
10 will -- assuming that it's the same person,
11 does it surprise you that message at the
12 bottom, I love you, babe, hugs and kisses.
13 Is that the type of relationship that you
14 thought that they had?

15 A. I wouldn't say that -- I mean,
16 it's surprising in a sense that I didn't
17 know. But, no, it doesn't surprise me.

18 Q. What's not surprisi -- you said that
19 you didn't know that they had any --

20 A. I mean, I didn't know that she
21 said this. But as far as does it surprise
22 me personally, no, it don't surprise me at
23 all because I mean -- let me just -- it
24 doesn't surprise me at all because, I mean,

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1 Donald is a lovable guy and I know she came
2 to see him and they were in communication
3 or contact. But, no, it doesn't surprise
4 me.

5 Q. Okay. Can you turn to the page
6 before, the second to last page. Take a
7 look at the message that's March 21, 2016.

8 A. The first one at the top?

9 Q. Yeah, take a look at it.

10 A. And what, this is her or --

11 Q. I believe this is an incoming
12 message from her. Is this surprising to
13 you given what your understanding of their
14 relationship?

15 A. It is a little surprising. But
16 again, like, Don had a life sentence so,
17 you know, him sending messages or receiving
18 messages like this, like, it doesn't
19 surprise me in the sense that I know that I
20 wasn't the only person that he was
21 communicating with. Like, this man was in
22 jail for life for a crime that he didn't
23 commit.

24 So, you know, if he found time and

1 comfort to communicate with somebody else
2 through the email, it doesn't surprise me.
3 It doesn't make me feel any type of way.
4 Like, because I know that Don loves me. I
5 know that this man was fighting for his
6 life. And, you know, if this took away
7 from it for any point, for any time where,
8 you know, he wasn't stressed out or
9 anything like that, then...

10 Q. Would you agree that reading this
11 indicates more than a platonic friendship?
12 It indicates at least romantic feelings?

13 MR. VAN NEERDAN:

14 Objection. You can answer. Calls
15 for speculation.

16 THE WITNESS: I mean, it
17 appears that throughout them
18 communicating that she may have
19 begun to develop some feelings for
20 him, which is not uncommon. Like,
21 when you communicate with
22 somebody, you may develop
23 feelings.

24 BY MS. ROSENTHAL:

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1 Q. Just talking about your own
2 opinion, nobody else's, do you think that
3 these communications and as you said, it
4 appears that she developed feelings for
5 him, do you think that that cast any doubt
6 on her credibility in this case?

7 MR. VAN NEERDAN:

8 Objection.

9 MS. ROSENTHAL: I'm
10 asking only for your opinion.

11 MR. VAN NEERDAN: She
12 doesn't determine credibility.
13 The jury does. It's an
14 inappropriate question.

15 MS. ROSENTHAL: Are you
16 instructing her not to answer?

17 MR. VAN NEERDAN: I'll
18 let her answer the question, but
19 it's inappropriate.

20 MS. ROSENTHAL: I'm only
21 asking for her personal opinion.

22 THE WITNESS: No, I don't
23 believe so because...

24 BY MS. ROSENTHAL:

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1 Q. At any point, do you think that --
2 at any point, did you -- at any point, do
3 you -- sorry, strike that.

4 Are you aware of any instance
5 where it was disclosed to the DA that they
6 had a friendship or anything more than a
7 friendship during the course of the PCRA
8 proceedings?

9 A. No, I don't believe so and they
10 didn't.

11 Q. Do you think that -- okay. I want
12 you to turn to the page before. Sorry,
13 it's the page that says -- it starts with
14 June 3, 2018. Sorry, I'll help you. It's
15 like the third to last page. There's an
16 entry from Monique -- from you to Robert
17 that do you see where it says Shank said to
18 call him, I had to open another account so
19 I can link to my phone. Hopefully this one
20 will work?

21 A. Yes.

22 Q. Do you recall this message?

23 A. Yes.

24 Q. Who is Shank referred to here?

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1 A. I don't know his first name --
2 well, I mean, I don't know his last name,
3 but his first name is Neil, and he's a
4 younger guy that was locked up with Don and
5 they became friends so they stayed in
6 contact.

7 Q. Did he grow up in the same
8 neighborhood as well?

9 A. He's a lot younger than Don. I'm
10 not sure if he grew up in the neighborhood
11 or how they know each other.

12 Q. Does Don know any other Shanks
13 besides -- well, yeah, sorry, strike that.
14 Does Don know any other Shanks?

15 A. Well, what, like, in addition to
16 Derrick Alston or in addition to --

17 Q. Well --

18 A. -- this person?

19 Q. Sorry. Let me re-ask the
20 question. I didn't want to presume Derrick
21 Alston. So you can include him in your
22 response. But my question is does he know
23 any other Shanks besides this person you
24 referred to?

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1 A. I'm not sure.

2 Q. You mentioned Derrick Alston?

3 A. Oh, in addition --

4 Q. Anybody else besides the two?

5 A. Yeah, I'm not sure if there are
6 any other Shanks floating around.

7 Q. Floating around, okay. On the
8 first page of the packet, do you see -- I
9 want to direct your attention to a message
10 sent from you to Robert Outlaw on April 6,
11 2016. Do you recognize this message?

12 A. You said the first message?

13 Q. Mm-hmm.

14 A. Yes.

15 Q. I just want to ask you a couple
16 of -- sorry. Is this the message that you
17 wrote or anyone else wrote using your
18 account?

19 A. No, me.

20 Q. Okay. Do you see a couple of
21 lines down from the bottom it says, Sy sent
22 me a letter?

23 A. Yes.

24 Q. Is Sy referring to Wesley Harmon?

Monique Solomon
7/22/2022

1 A. Yes.

2 Q. Do you recall that letter?

3 A. Not really, unless it was one of
4 the letters that we went over from him that
5 was in this pile over here.

6 Q. I don't know.

7 A. Because I know we just went over
8 some stuff from him.

9 Q. Did Sy ever send you a hard-copy
10 letter?

11 A. I mean, he has written me a
12 hard-copy letter but...

13 Q. He has, okay. You can recall a
14 specific instance?

15 A. Not really specific. I can say
16 that I've received mail from him before.
17 But as to what, when, I don't really
18 remember.

19 Q. And he's someone as a witness in
20 the underlying criminal case?

21 A. A wit --

22 Q. Can you -- has he played any role
23 writing affidavits?

24 A. I believe he may have written an

Monique Solomon
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1 affidavit, but that was, like, before I
2 came in, if I'm not mistaken.

3 Q. When you received letters from him
4 given his role in the underlying case, did
5 you turn those over to anyone?

6 A. No.

7 Q. Did you save them?

8 A. No.

9 Q. Have you saved any letters from
10 him that you still have?

11 A. No.

12 Q. Because he talking -- he wasn't
13 talking about too much. Then he was
14 waiting to go down and something about his
15 case and something about a lawyer, 1,000 to
16 fight his case. Do you know what he was
17 referring to there?

18 A. I believe he was referring to his
19 case that he was fighting, his criminal
20 case.

21 Q. Was he asking for the \$1,000 --
22 was he asking for assistance with the
23 \$1,000?

24 A. No, I don't think so.

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1 Q. Has he ever asked for money
2 before?

3 A. No, I don't believe so.

4 Q. Have you ever sent him money
5 before?

6 A. I don't believe so. I'm not 100
7 percent sure. I don't think so.

8 Q. Okay. I want you to look at the
9 bottom email on the page from 4/4/2016, an
10 email that you sent to Robert Outlaw.

11 Do you see the second -- the third
12 sentence says, Don't worry about the fed
13 stuff?

14 A. Yes.

15 Q. What you were you referring to
16 there?

17 A. I believe this is from somebody
18 like a jailhouse lawyer that was, like,
19 also helping him with some stuff and he
20 sent this information.

21 Q. What does fed stuff refer to?

22 A. I think it was pertaining to his
23 juvenile stuff, like him getting sentenced
24 as a juvenile. He was supposed to file

1 some type of document.

2 Q. Okay. It's in connection with the
3 same case?

4 A. Yes.

5 Q. Okay. Let's put that one aside.

6 Sorry for -- I'm even boring myself.

7 Number -- let me mark this as 19. It's a
8 one-page printout of incoming messages of
9 Robert Outlaw.

10 (Exhibit marked Exhibit
11 19 for identification.)

12 BY MS. ROSENTHAL:

13 Q. I just want to ask you about -- do
14 you see there's reference to a per --
15 sorry. Do you see first of all the first
16 message August 9, 2016. Is that a message
17 that you sent to Mr. Outlaw?

18 My question is very limited. I
19 just -- in reference to you, do you see
20 there's reference to someone named Dom?

21 A. Yes.

22 Q. Who's that?

23 A. He has a friend named Dom that he
24 grew up with.

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1 Q. Is that someone named Donald
2 Carter?

3 A. Yes, I believe so.

4 Q. And is Donald Carter married to
5 anyone?

6 A. He does have a wife. I'm not sure
7 of his wife, though. I meant he does have
8 a wife.

9 Q. You don't know what -- you don't
10 have any relationship or friendship with
11 his wife?

12 A. I'm not sure of, like, who his
13 wife is.

14 Q. Okay. At some point, was he
15 married to someone named I think she may go
16 by Parra Carter?

17 A. Yes.

18 Q. They are no longer married?

19 A. I'm not sure what their
20 relationship status are. I know he had
21 more than one wife. I'm just not sure.

22 Q. How does Mr. Outlaw know Donald
23 Carter?

24 A. I believe they grew up together.

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1 Q. What's your relationship with
2 either of them?

3 A. I know them through Donald.

4 Q. Would you say that your good
5 friends or acquaintances? How would you
6 describe your relationship?

7 A. We're pretty good, like.

8 Q. Pretty good, can you elaborate a
9 little?

10 A. Like, I know her through Donald
11 and his relationship with Dom, so they're
12 friends so we're friends.

13 Q. And then looking at the next email
14 on the page from August 4, 2016, do you
15 recognize that email? It looks like it's
16 an email you sent to Robert Outlaw? Do you
17 recognize this email?

18 A. I recognize that I sent it because
19 it's from me, but -- or no, it's from
20 Donald or is it from me?

21 Q. It appears to be from you.

22 A. Okay. I don't remember what this
23 is.

24 Q. Do you have any idea what is meant

Monique Solomon
7/22/2022

1 by she just recanted in the first line?

2 A. No, I'm not sure what I was
3 talking about.

4 Q. Okay. All right. Oh, and then in
5 the last part of that do you see it says --
6 do you know what is meant by, yeah, I heard
7 the son fell bold under his old head but
8 his old head just flipped and turned fed?

9 A. I don't know what that means.

10 Q. What about when do you need these
11 letters by?

12 A. I believe these are the character
13 letters, but I'm not 100 percent sure.

14 Q. Okay. I can't take those anymore.
15 All right. So let's turn to something
16 else. I want to show you a document that
17 I'm going to mark as Exhibit 20. It's a
18 document that's Bates marked
19 OUTLAWDA02022008468 through
20 OUTLAWDA02022008483.

21 (Exhibit marked Exhibit
22 20 for identification.)

23 BY MS. ROSENTHAL:

24 Q. I'll represent to you that this is

Monique Solomon
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1 a transcript of your testimony November of
2 2018 in Mr. Outlaw's PCRA hearing. I just
3 want to ask you about a few lines in here.

4 You know what, actually I'm going
5 to pass on that one. Let's withdraw 20 so
6 we can go quicker. Don't worry about that
7 one. So take off the sticker.

8 A. What, this one?

9 Q. Yeah, I'm not going to ask you
10 about it. I want to go a little faster.

11 Oh, do you still have access to
12 your DOC account?

13 A. My son uses it. I don't access
14 it.

15 Q. But you're able to access it if
16 you want to?

17 A. I would have to get the
18 information from my son. Like, I don't
19 know if the passwords and stuff are the
20 same.

21 Q. Okay. But it's your account,
22 right?

23 A. Yes.

24 Q. Have you undertaken any -- you

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1 said the documents are saved in there for a
2 while. Have you undertaken any search to
3 see whether there are any messages that
4 were responsive to the subpoena that are
5 included within that account?

6 A. Well, I don't have access to the
7 ConnectNetwork account, so you're asking
8 me --

9 Q. It's your account, so do you have
10 ability to obtain access?

11 A. I would have to get information
12 from my son because again, I don't use it
13 so I don't have access to it.

14 Q. He changed the password?

15 A. I'm not sure if he did or did not.
16 I don't have access to it.

17 Q. So you don't know if you have
18 access to it because you don't know whether
19 your password works?

20 A. Well, I don't use the account. My
21 son uses it. So again, I don't have access
22 to it.

23 Q. Do you have the ability to change
24 the password?

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1 A. Well, I don't know the login
2 information to access it. I would have to
3 get it from my son because I don't use it
4 or have access to it.

5 MS. ROSENTHAL: Okay.

6 Well, we're just going to renew
7 our request that she searches for
8 that. Otherwise, we'll serve a
9 subpoena on her son, but I believe
10 it's within her possession,
11 custody and control, especially if
12 she doesn't know whether the
13 password has been changed.

14 MR. VAN NEERDAN: You
15 have all of the DOC documents that
16 you subpoenaed directly from the
17 DOC.

18 MS. ROSENTHAL: We can
19 talk about this later. I just
20 want to put on the record that we
21 would renew our requests. Those
22 are separate. The fact that
23 something is produced by a
24 different custodian does not make

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1 it a duplicative document that you
2 don't have to produce. And it is
3 not entirely overlapping, the two
4 sets of materials.

5 For example, it asks for
6 communications indirectly and I'm
7 not -- it's not -- I'm not sure
8 that there's -- well, regardless
9 we renew our request for that.

10 And if you can confirm that she
11 doesn't have access to it, we'll
12 serve a subpoena on her son.

13 BY MS. ROSENTHAL:

14 Q. But I understand you haven't
15 accessed it, but you don't know if the
16 password would work or --

17 A. Well, because I don't use it.

18 Q. You don't use it, but -- well,
19 it's -- this is a discussion that I'll have
20 with your counsel about it, but we renew
21 our requests for that.

22 I'm going to show you a document
23 that I'm going to mark as Exhibit --

24 COURT REPORTER: 20.

1 BY MS. ROSENTHAL:

2 Q. -- 20. When was the last -- well,
3 I'll wait. It's a one-page document Bates
4 marked CITY022044. I believe it's a list
5 of individuals who have communicated or I'm
6 not sure if it's only active -- a list of
7 individuals who have communicated at some
8 point with Mr. Outlaw using the messaging
9 system.

10 Do you recognize this document?

11 MR. VAN NEERDAN:

12 Objection to the representation.

13 MS. ROSENTHAL: Objection
14 to the representation?

15 MR. VAN NEERDAN: Yes.

16 You just made a very long
17 representation of what you believe
18 this document to be. These are I
19 believe part of the documents that
20 were produced last night. We have
21 no idea what this stuff is.

22 MS. ROSENTHAL: Okay.

23 Your objection is noted that the
24 documents were produced last

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1 night.

2 MR. VAN NEERDAN: It's
3 not just about last night. It's
4 about foundation.

5 BY MS. ROSENTHAL:

6 Q. Okay. Do you have any idea what
7 this document is?

8 A. No, other than the list of names.

9 Q. Do you have any reason -- if I
10 told you that this was a list of
11 individuals registered to communicate with
12 Mr. Outlaw through messaging system, would
13 you have any reason to doubt that that was
14 the case?

15 MR. VAN NEERDAN:

16 Objection.

17 BY MS. ROSENTHAL:

18 Q. I'm not representing that that is
19 the case. I'm asking if I told you that,
20 would you have reason to doubt it?

21 MR. VAN NEERDAN: She
22 already told you she doesn't know
23 what the document is. You can
24 tell her it's a can of soup.

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1 She's not going to be able to tell
2 you what it is.

3 MS. ROSENTHAL: Okay.

4 I'm going to ask my question again
5 and you may object.

6 BY MS. ROSENTHAL:

7 Q. If I told you that this was a list
8 of individuals registered to communicate
9 with Mr. Outlaw through the DOC messaging
10 platform, would you have any reason to
11 dispute that that was the case?

12 MR. VAN NEERDAN:

13 Objection.

14 THE WITNESS: Well, I
15 don't know because it's addresses
16 on here. So for the address would
17 be for the email?

18 BY MS. ROSENTHAL:

19 Q. Well, my question is whether you
20 have any reason to believe that this isn't
21 a list of individuals who've communicated
22 with him?

23 MR. VAN NEERDAN:

24 Objection.

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1 THE WITNESS: I'm not
2 sure what this is a list of.

3 BY MS. ROSENTHAL:

4 Q. Okay. I want to -- looking at the
5 first line, do you see that there's an
6 email address moniques3708@aol.com, Monique
7 Solomon, username MoniqueS3708?

8 A. Yes.

9 Q. And is that your email address?

10 A. Yes.

11 Q. Do you know whether that's the
12 username that you have used in the past to
13 correspond with individuals using the DOC
14 messaging system?

15 A. Yes.

16 Q. It is?

17 A. Yes.

18 Q. And it says that the last login
19 was June 17, 2022. Do you believe that
20 that was your son who last logged in then?

21 A. Yes, I believe so. I haven't used
22 this.

23 Q. When was the last time you've
24 logged in?

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1 A. Maybe in 2019 when Don came home.

2 Q. I want you to look a few lines
3 down. Do you see your name is listed again
4 seven lines down under first and last name?
5 Do you see where I'm referring?

6 A. Yes.

7 Q. Did you ever create an account
8 using the email address that's listed next
9 to your name there?

10 A. What is it an account for?

11 Q. Did you ever register to use the
12 DOC system, the messaging system, using
13 that email address?

14 A. No, I don't believe so.

15 Q. Do you recognize that email
16 address?

17 A. I do.

18 Q. Is it your email address?

19 A. Yes, it's an old email address.

20 Q. Do you still have access to that
21 email?

22 A. I haven't tried to access it.

23 Q. Is it possible that if you're able
24 to access it, is it possible that there

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1 could be emails that are responsive to the
2 subpoena that was served on you in that
3 account?

4 A. No, this was an email address that
5 I used for social media.

6 Q. Well, wasn't it the case that you
7 used Facebook?

8 A. Well, no, not like a Facebook,
9 like an Instagram, like, for me.

10 Q. Did you use Instagram at all to
11 advocate for Mr. Outlaw's case?

12 A. No.

13 Q. You're sure of that?

14 A. Well, not me personally. Like, he
15 has been posted on Instagram, like, when
16 we've had fish fries and stuff like that
17 where other people posted pictures and
18 stuff of him.

19 Q. Is it possible any of that could
20 be in that account?

21 A. No, not from me. Like, other
22 people posted on Instagram. I never posted
23 off of my personal page.

24 Q. Do you have any other email

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7/22/2022

1 addresses that you have currently or had in
2 the past besides these two?

3 A. I've had email addresses for,
4 like, school that I don't have access to or
5 don't remember. I have email addresses
6 that I've been locked out of because I
7 wasn't able to remember my password and had
8 to create a new one.

9 Q. Any that you don't know whether
10 you have access or do have access?

11 A. Not that I can recall.

12 Q. Okay. I would -- and if your
13 counsel disagrees, we can take it up later,
14 but I would request that you just try to
15 access that account and search. And it may
16 be that there's nothing, but to do due
17 diligence to search if there's nothing in
18 that account.

19 Do you know -- so you have no
20 recollection of creating a second account?

21 A. A second ConnectNetwork account?

22 Q. (Nodding affirmatively).

23 A. No.

24 Q. Does anyone else have access to

Monique Solomon
7/22/2022

1 that?

2 A. No.

3 Q. Okay. Does anyone else have
4 access to your AOL account?

5 A. No.

6 Q. Okay. Do you know why -- does
7 that username ring a bell Munira3708?

8 A. No. I mean my attribute is Munira
9 but, like, this specific username is not a
10 username that I'm familiar with.

11 Q. What do you mean your attribute is
12 Munira?

13 A. My Islamic name is Munira.

14 Q. Okay. Do you go by any other
15 names?

16 A. Nicki.

17 Q. Do you see a couple of lines down
18 there's an entry for someone named Michael
19 Solomon?

20 A. Yes.

21 Q. Do you know who that is?

22 A. That's my twin brother.

23 Q. Do you know if -- is he in contact
24 with Donald Outlaw?

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1 A. He was.

2 Q. Okay. Is he currently alive?

3 A. No.

4 Q. Do you have any other siblings?

5 A. Yes.

6 Q. What are their names?

7 A. Well, Kevin Solomon is deceased.

8 Terrance Solomon is deceased, and I have a
9 little sister named Natalie Solomon.

10 Q. Oh, did you say your mom was also
11 named Natalie Solomon?

12 A. Yes.

13 Q. Okay. And do you recognize that
14 email address to it, nsolomon98@gmail -- or
15 is it 00@gmail.com?

16 A. Yes.

17 Q. Whose email address is that?

18 A. Natalie's, my sister's.

19 Q. And is that her address, 425 West
20 Chelten Avenue?

21 A. It's an old address.

22 Q. Okay. That's where your mom still
23 lives?

24 A. Oh, no, that's an old address for

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1 my sister. My mom lives at 947.

2 Q. Oh, 947 West Chelten?

3 A. East Chelten.

4 Q. East Chelten, okay. And you do

5 see above your -- sorry to jump around --

6 above the second name where you're listed,

7 do you see that there is an individual with

8 your son's name right above?

9 A. Yes.

10 Q. And then do you recognize the

11 email address?

12 A. Yes, it's an old email address for

13 him.

14 Q. Okay. And then the 425 West

15 Chelten Avenue, is that a current or a

16 former --

17 A. No, that's an old address.

18 Q. Okay. So do you have any reason

19 to dispute that he has had at least at one

20 point his own account on --

21 A. I'm not sure if he did or didn't

22 have his own ConnectNetwork account.

23 Q. Are there any names on this list

24 that you don't recognize who they are?

1 A. So these names are people from
2 ConnectNetwork?

3 Q. Well, Mr. Van Naarden has objected
4 to me representing what this document is.
5 My understanding is that this is a list of
6 individuals who have registered and
7 communicated with Mr. Outlaw.

8 A. So what was --

9 Q. I don't know what time period.
10 Oh, I'm just asking this list of names. Do
11 you know all of these people or is there
12 anyone you don't know?

13 A. It's people I don't know on here.

14 Q. Who don't you know?

15 A. Nicosia, Alexis, Nefertia,
16 Syrelle, Ali, Jalil, Andrew, Kendra,
17 Shanique.

18 Q. Okay. So quite a few. Do you
19 know who Jalil Sie is?

20 A. No.

21 Q. Okay. What about Victoria
22 Workman?

23 A. No.

24 Q. And then next to -- I think we

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1 discussed her before. I'm sorry. I'm not
2 sure how to pronounce her name. How would
3 you say that? The one that goes by Parra
4 Carter, how would you say her name?

5 A. I would say Aparra --

6 Q. And does she also go by Wafiya
7 Carter?

8 A. Yes, I believe she does.

9 Q. Okay. And then the bottom name
10 Nicosia Capers, you've never heard that
11 name before?

12 A. I've heard that name, but I don't
13 know her personally.

14 Q. Okay. I'm going to show you,
15 rushing along because we're running out of
16 time -- I'm going to a document that I'm
17 going to mark as Exhibit --

18 COURT REPORTER: 21.

19 (Exhibit marked Exhibit
20 21 for identification.)

21 BY MS. ROSENTHAL:

22 Q. -- 21. It's a document Bates
23 marked PLAINTIFF27322 through 27335. Do
24 you recognize this document?

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1 A. Yes.

2 Q. Am I correct that it appears to be
3 an email that you sent to Ed Foster that
4 where you're attaching a letter from Pop to
5 Jabril Jones, from Pop to Robert's mom,
6 from Shelby Green to Robert?

7 A. Yes.

8 Q. Turning to the first letter, am I
9 correct that the letter from Pop to Jabril
10 Jones that you state is from Pop to Jabril
11 Jones covers Bates range PLAINTIFF27325 to
12 27327?

13 A. Yes.

14 Q. Were you ever in possession of an
15 original of this letter?

16 A. No.

17 Q. How did you originally receive it?

18 A. I believe this was a part of Don's
19 file, if I'm not mistaken. I'm not sure.

20 Q. When you say part of Don's file,
21 what do you mean by that?

22 A. Like this was in his, like, in his
23 file, like, in his possession and he sent
24 it to me maybe.

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1 Q. Did he have documents in jail?

2 Did he have a collection of documents

3 related to his legal proceeding?

4 A. Yes, he had his own file.

5 Q. And did he also destroy them upon

6 the case being nolle prossed?

7 A. He was never able to get his files

8 because when his case got vacated he was in

9 CFCF and all his stuff was upstate and he

10 never ended up going back upstate.

11 Q. He had nothing with him at CFCF?

12 A. I believe he did have something,

13 but it wasn't, like, all of his property.

14 Q. Did he have any legal papers at

15 all?

16 A. I'm not sure exactly what he had.

17 Q. Prior to that, did he ever discuss

18 with you an intention to destroy them upon

19 his case being nolle prossed?

20 A. Not that I can recall.

21 Q. So you believe you may have

22 received this from Donald Outlaw?

23 A. I believe so. I mean, this is not

24 dated so I'm not sure when.

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1 Q. Did you receive this directly from
2 Jabril?

3 A. I'm not sure. I don't think so.

4 Q. Do you have any idea what the date
5 is?

6 A. No, it's -- this stuff isn't
7 dated.

8 Q. Okay. Did you ever talk to Jabril
9 Jones about this letter?

10 A. No, not that I can recall.

11 Q. Did you ever talk to Charles
12 Paladino about it?

13 A. No, not that I can recall.

14 Q. When did you receive it?

15 A. I don't know exactly when I got
16 this letter. I can only assume that it was
17 about the time I sent this email.

18 Q. And you don't recall whether he
19 sent you a photocopy or if he sent you an
20 original of it?

21 A. It was not an original. It was a
22 copy.

23 Q. And you don't know whether
24 Mr. Outlaw had an original himself?

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1 A. I'm not sure.

2 Q. Okay.

3 A. Him moving from jail to jail, he
4 lost a lot of his stuff.

5 Q. He didn't come home with any legal
6 papers?

7 A. I'm not sure what he came home
8 with. I don't think he did.

9 Q. Okay. Moving onto -- am I correct
10 that the letter to Pop to Robert's mom
11 covers PLAINTIFF27328 to 27333?

12 A. Yes.

13 Q. How did you come in possession of
14 this letter?

15 A. I believe it was a part of
16 Donald's file. I'm not 100 percent sure.

17 Q. Would he have sent it to you over,
18 like, in snail mail? Would he have any
19 other way of sending it --

20 A. Well, yeah, that would be the only
21 way.

22 Q. And when he sent something to you,
23 did he usually accompany it with a letter?

24 A. Not all the time.

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1 Q. Could he have?

2 A. Maybe. I'm not really sure.

3 Q. Would those have been kept in the
4 file that you had if you had received
5 letters from him?

6 A. Maybe. I'm not 100 percent sure.

7 Q. Okay. Do you know how Mr. Outlaw
8 came into possession of this letter?

9 A. I'm not sure. Again, I'm not sure
10 if they came from him or not. Like, I
11 just -- like, I know this email is from me
12 because it's right here in front of my
13 face, but I just don't remember this stuff.

14 Q. Okay. I just want to turn to the
15 last from Shelby Green to Robert. Is that
16 PLAINTIFF27334 to PLAINTIFF27335?

17 A. Yes.

18 Q. And do you recall when you
19 received this letter?

20 A. I don't remember when I received
21 this letter. But I mean, I do remember
22 this letter.

23 Q. Do you again believe that you
24 received a copy from Donald Outlaw?

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1 A. Yes.

2 Q. Do you remember whether you
3 received all three of these at the same
4 time?

5 A. I'm not sure.

6 Q. Do you know why -- did he instruct
7 you to send these to a lawyer?

8 A. I don't remember, like, how or why
9 I sent this.

10 Q. Okay. That's all for that. I'm
11 going to show you a series of documents. I
12 just want to confirm that you authored
13 them.

14 MS. ROSENTHAL: These
15 were the documents produced last
16 night, so would you just like to
17 put a standing objection on the
18 record?

19 MR. VAN NEERDAN: Well, I
20 just -- first of all, we've asked
21 a couple of times for the City to
22 identify where those documents
23 came from and we haven't gotten an
24 answer.

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1 MS. ROSENTHAL: I'm
2 sorry. I think I got that email
3 last night --

4 MR. VAN NAARDEN: And we
5 got the documents yesterday.

6 MS. ROSENTHAL: I know.
7 I think I asked you a couple of
8 questions that I haven't gotten an
9 answer to. I'm happy to --

10 MR. VAN NAARDEN: I need
11 to know on the record where they
12 came from. We corresponded with
13 the Department of Corrections last
14 night. They independently
15 produced what they produced to
16 you. Those letters weren't in
17 them.

18 MS. ROSENTHAL: Okay.
19 I'll tell you that these letters
20 that I'm going to show her are
21 from the Department of
22 Corrections. I'm happy to discuss
23 separately -- it has not been my
24 understanding that you have

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1 either -- we have been happy from
2 the beginning to identify which
3 documents correspond to which
4 document requests and you have not
5 been doing that. I'm happy to do
6 that if you would like to -- if we
7 would both like to do that.

8 MR. VAN NEERDAN: Well,
9 that's not true. We have
10 identified when we produce things,
11 we tell you where they come from.
12 In fact, when we get files from
13 attorneys, we send them over to
14 you and say where they've come
15 from.

16 MS. ROSENTHAL: Which are
17 responsive to which document
18 requests?

19 MR. VAN NEERDAN: I'm not
20 even talking about that. We can
21 argue about it another time. I
22 just want to know where the
23 letters came from.

24 MS. ROSENTHAL: The

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1 letters came from --

2 MR. VAN NAARDEN: You got
3 them from the Department of
4 Corrections?

5 MS. ROSENTHAL:
6 Department of Corrections.

7 MR. VAN NAARDEN: Okay.
8 I mean, we got last night from
9 Chase a data dump of all the
10 documents. Those weren't in them.

11 MS. ROSENTHAL: Can we go
12 off the record then if we're going
13 to spend time on this.

14 THE VIDEOGRAPHER: We're
15 now going off record. The time is
16 5:01 p.m.

17 (Discussion held off the
18 record.)

19 THE VIDEOGRAPHER: We're
20 now back on record. The time is
21 5:03 p.m.

22 BY MS. ROSENTHAL:

23 Q. Okay. I'm going to show you some
24 documents that we had received from the

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1 Department of Corrections that appear to be
2 letters that were sent to either Mr. Outlaw
3 or Mr. Paladino, and they appear to
4 potentially have been written from you, and
5 I just want to confirm whether or not that
6 is the case.

7 So I'm going to mark as --

8 MS. ROSENTHAL: Sorry.

9 How do we have this organized?

10 Can you go off the record for one
11 second?

12 THE VIDEOGRAPHER: We're
13 now going off record. The time is
14 5:04 p.m.

15 (Brief recess.)

16 THE VIDEOGRAPHER: We're
17 now back on record. The time is
18 5:06 p.m.

19 BY MS. ROSENTHAL:

20 Q. I'm going to mark as Exhibit 22,
21 and these were produced in color but we're
22 having issues with our color printer so
23 they will be black and white. For the
24 record, this is a document Bates marked

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1 CITY022091 to CITY022094. It's a document
2 that was produced from the Department of
3 Corrections.

4 MR. VAN NAARDEN: She
5 doesn't have the exhibit.

6 THE VIDEOGRAPHER: She
7 can't do this at the same time
8 you're talking.

9 MS. ROSENTHAL: Oh, I
10 apologize.

11 THE VIDEOGRAPHER: So
12 that's why --

13 MS. ROSENTHAL: I
14 apologize.

15 (Exhibit marked Exhibit
16 22 for identification.)

17 BY MS. ROSENTHAL:

18 Q. I'm not going to ask you -- there
19 may be one or two that I have a question
20 on, but I mainly would just like you to --
21 do you recognize this document?

22 A. Yes.

23 Q. Can you describe it for the
24 record?

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1 A. It's a letter that I wrote to
2 Paladino.

3 Q. Okay. And is it a true and
4 complete version of the letter that you
5 sent?

6 A. Yes.

7 Q. And when you sent him letters, did
8 he typically send you a letter back?

9 A. Yes.

10 Q. And what did you do with those
11 letters?

12 A. The letter that he sent me?

13 Q. (Nodding affirmatively).

14 A. I no longer have the letters. I
15 didn't keep them.

16 Q. Did you share them with anyone?

17 A. No.

18 Q. Did you disclose that you were
19 corresponding with Paladino to anyone?

20 A. Other than his attorney, Donald's
21 attorney, like, when I sent him a letter
22 that I received from him.

23 Q. Did you talk to anyone about the
24 fact that you had engaged in additional

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1 correspondence?

2 A. Oh, no.

3 Q. So Mr. Outlaw's attorney was only
4 aware of the letters that you had sent?

5 A. Yes, correct.

6 Q. And did Mr. Outlaw know that you
7 were corresponding with Mr. Paladino on a
8 regular basis?

9 A. No.

10 Q. I just want to ask you about one
11 question, one quick question about this
12 letter. On the page CITY022093, there's
13 reference -- am I correct that there's
14 reference to you helping him set up a
15 dating profile online?

16 A. Yes.

17 Q. Is that something that you did?

18 A. Yes.

19 Q. Do you have access to that
20 account?

21 A. No.

22 Q. Okay. And did you do that because
23 you understood that he was looking for a
24 romantic partner?

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1 A. Yes.

2 Q. Would it be fair to say you
3 developed a friendship with Mr. Paladino?

4 A. I wouldn't necessarily call it a
5 friendship, but I honestly -- I don't want
6 to say, like, took pity on him. But again,
7 like I said in the beginning when I
8 initially contacted Paladino, I was angry
9 and I wanted answers. And after hearing
10 his story, it made me understand that, you
11 know, he was a victim just as well as Don.
12 Maybe not a victim that was affected as
13 much as Donald was, but he was a victim of
14 the system as well.

15 Q. Okay. I want to mark as Exhibit
16 23 another document.

17 (Exhibit marked Exhibit
18 23 for identification.)

19 BY MS. ROSENTHAL:

20 Q. Just for the record, this is a
21 three-page document Bates marked CITY022088
22 to CITY022090. Do you recognize this
23 letter?

24 A. Yes.

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1 Q. Is that your handwriting on the
2 first page and the third page?

3 A. Yes.

4 Q. Is this a true and correct and
5 complete copy of the letter that you sent
6 Mr. Paladino?

7 A. Yes.

8 Q. Okay. I'm going to mark this as
9 Exhibit 24.

10 (Exhibit marked Exhibit
11 24 for identification.)

12 BY MS. ROSENTHAL:

13 Q. This is a document that's Bates
14 marked CITY022079 to CITY022081. Do you
15 recognize this document?

16 A. Yes.

17 Q. Can you describe it briefly for
18 the record?

19 A. This is a letter that I wrote to
20 Paladino.

21 Q. Is it a true and accurate and
22 complete copy of the letter?

23 MS. ROSENTHAL: Sorry.

24 Did I give you a different

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1 version?

2 MR. VAN NEERDAN: Yeah, I
3 don't have the same one that she's
4 looking at.

5 THE WITNESS: This is one
6 that was already 22.

7 MR. VAN NEERDAN: I don't
8 know if you meant this one.

9 THE WITNESS: This was
10 22.

11 MS. ROSENTHAL: It's this
12 one. Is this the one you have?

13 MR. VAN NEERDAN: That's
14 the one I have. That's not the
15 one she's looking at.

16 MS. ROSENTHAL: Let me
17 strike -- can we strike the
18 conversation about this exhibit.
19 I gave her the wrong document.
20 I'm remarking as Exhibit 27.

21 MR. VAN NEERDAN: 24.

22 MS. ROSENTHAL: 24. I'm
23 remarking as Exhibit 24. If you
24 could just strike everything about

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1 the incorrect document.

2 (Exhibit marked Exhibit

3 24 for identification.)

4 BY MS. ROSENTHAL:

5 Q. This is a three-page document

6 Bates marked CITY022079 to CITY022081. Do

7 you recognize this document?

8 A. Yes.

9 Q. Is this another letter that you
10 sent Mr. Paladino?

11 A. Yes.

12 Q. It appears that this letter is
13 typewritten as were the others that or not
14 all of them, but some of them that were
15 wrote. Did you type this on your computer?

16 A. A laptop, yes.

17 Q. Is that a laptop you still have
18 possession of?

19 A. No.

20 Q. What happened to the laptop?

21 A. It was the laptop that my niece
22 broke.

23 Q. Do you still have it even if it's
24 not functional?

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1 A. No, I don't.

2 Q. Do you have copies of these
3 letters saved anywhere else?

4 A. No.

5 Q. Is this a full and complete copy
6 of the letter that you sent? I apologize
7 if I'm asking again.

8 A. Yes.

9 Q. Okay. Let me show you another
10 document. I'll mark it as Exhibit 25.

11 (Exhibit marked Exhibit
12 25 for identification.)

13 BY MS. ROSENTHAL:

14 Q. This is a document Bates marked
15 CITY022082 to CITY022084. Do you recognize
16 this document? Is it missing a page?

17 A. No, I don't believe so. You're
18 asking me?

19 Q. It just doesn't have a heading
20 like the others, but do you believe it to
21 be complete?

22 A. Yes.

23 Q. Do you recognize this document?

24 A. Yes.

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1 Q. Can you describe it briefly for
2 the record?

3 A. It's a letter I sent to Paladino.

4 Q. And is it a true and complete copy
5 of the letter that you sent?

6 A. Yes.

7 Q. You note that at the bottom
8 somebody named Shannon or Sharon emailed me
9 under your profile talking about how she
10 got a message from about you being in love
11 with someone named Nic and she wanted to
12 know who I am and why would you say that.
13 Do you remember that?

14 A. Vaguely, yes.

15 Q. So were you able to access emails
16 that Mr. Paladino received through the
17 dating site that you set up? Is that what
18 this -- strike that.

19 What is this -- is this referring
20 to that dating profile that you set up?

21 A. I believe it is, but I don't know
22 how this person got in contact with me.

23 Q. Were you logging into
24 Mr. Paladino's profile?

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1 A. No.

2 Q. Do you know who Nic is that was
3 being referred to?

4 A. I don't.

5 Q. Did Mr. Paladino respond to the
6 letter clarifying?

7 A. No, I don't believe so.

8 Q. Okay. Next marking as Exhibit --

9 COURT REPORTER: I think

10 26.

11 (Exhibit marked Exhibit

12 26 for identification.)

13 BY MS. ROSENTHAL:

14 Q. -- 26. This is a document Bates
15 marked CITY022070 to CITY022072. Do you
16 recognize this document?

17 A. Yes.

18 Q. What is it?

19 A. It's a letter I sent to Paladino.

20 Q. And is this a full and complete
21 copy of the letter that was sent?

22 A. Yes.

23 Q. And when was that laptop broken
24 that you said you drafted the other letter

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1 on?

2 MR. VAN NAARDEN: Asked

3 and answered.

4 MS. ROSENTHAL: I

5 apologize. I don't have a

6 transcript in front of me.

7 THE WITNESS: I don't

8 remember the exact date.

9 BY MS. ROSENTHAL:

10 Q. Okay. Were all the letters that
11 you sent were all on that laptop other than
12 the handwritten ones?

13 A. Well, I wouldn't say every letter
14 was written on the laptop. I'm not sure.

15 Q. When did you get your current
16 computer?

17 A. I don't have a current computer.

18 Q. You don't have a desktop or a
19 laptop?

20 A. No.

21 Q. Did you use your work laptop for
22 any personalized letters like this?

23 A. No.

24 Q. I'm going to mark as Exhibit 28 --

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1 COURT REPORTER: 27.

2 (Exhibit marked Exhibit

3 27 for identification.)

4 BY MS. ROSENTHAL:

5 Q. -- 27. A document Bates marked
6 CITY022073 to CITY022078. Do you recognize
7 this document?

8 MS. MAYS: Can you repeat
9 the Bates No.?

10 BY MS. ROSENTHAL:

11 Q. CITY022073 to CITY022078. Do you
12 recognize this document?

13 A. Yes.

14 Q. And can you describe it for the
15 record?

16 A. It's a letter I sent to Paladino.

17 Q. Okay. Dated October 15, 2018?

18 A. Yes.

19 Q. And is it a true and complete copy
20 of the letter that was sent?

21 A. Yes.

22 Q. We're going to mark another one as
23 Exhibit 28.

24 (Exhibit marked Exhibit

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1 28 for identification.)

2 BY MS. ROSENTHAL:

3 Q. Did I say the Bates No.?

4 MS. MAYS: You can say
5 it --

6 BY MS. ROSENTHAL:

7 Q. Bates CITY022061 to CITY022063.

8 Is this another letter that you wrote to
9 Mr. Paladino dated -- sorry, undated?

10 A. Yes.

11 Q. Is it a full copy of the letter?

12 A. Yes.

13 Q. You say in the third paragraph
14 that you set up a profile on
15 writeaninmate.com. Is that the same
16 profile that you set up related to the
17 dating or is that different?

18 A. Yes.

19 Q. Okay. Sorry, it is the same?

20 A. Yes.

21 Q. Okay. And we're marking as
22 Exhibit 29 a document Bates No. CITY022058
23 to CITY022060.

24 (Exhibit marked Exhibit

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1 29 for identification.)

2 BY MS. ROSENTHAL:

3 Q. Is this the copy of an undated
4 letter that you sent to Mr. Paladino?

5 A. Yes.

6 Q. And is it a true and correct copy
7 of the letter?

8 A. Yes.

9 Q. I will mark this as Exhibit 30.

10 (Exhibit marked

11 Exhibit 30 for identification.)

12 BY MS. ROSENTHAL:

13 Q. This is a document marked
14 CITY022064 to CITY022066. Do you recognize
15 this document?

16 A. Yes.

17 Q. Is it a letter that you sent to
18 Mr. Paladino?

19 A. Yes.

20 Q. I want to ask you about what you
21 wrote on the third page marked CITY022066.
22 Do you see the first line says, I got your
23 letter and I initially wrote like seven
24 angry letters but you basically wrote me

1 and called me a liar, and that did not sit
2 right with me. Do you remember what --

3 MR. VAN NEERDAN:

4 Objection. I think you read it
5 wrong.

6 MS. ROSENTHAL: Okay.

7 I'll read it again.

8 BY MS. ROSENTHAL:

9 Q. Do you see the first line reads, I
10 got your letter and I initially wrote you
11 like seven very angry letters, but you
12 basically wrote me and called me a liar and
13 that did not sit right with him?

14 A. Right, it should have been me.

15 MR. VAN NEERDAN: That's
16 how she initially read it. That's
17 why I objected.

18 BY MS. ROSENTHAL:

19 Q. So you meant did not sit right
20 with me?

21 A. Right.

22 Q. Okay. Do you remember what led up
23 to --

24 A. It was some letter that he wrote

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1 me basically saying that I wasn't Don's
2 wife, that some other girl named Nic was
3 his wife and that I lied.

4 Q. Okay. Do you know who that person
5 is that he was referring to?

6 A. No. I believe it's the Nicosia
7 person, but I'm not 100 percent sure.

8 Q. Okay. What was his response to
9 this letter?

10 A. I believe he responded and maybe
11 apologized. I'm not 100 percent sure, but
12 I think or -- I don't remember.

13 Q. Okay. I'm going to show you
14 another --

15 (Exhibit marked Exhibit
16 31 for identification.)

17 BY MS. ROSENTHAL:

18 Q. This is a document Bates marked
19 CITY022067 to CITY022069. Do you recognize
20 this document?

21 A. Yes.

22 Q. This is another letter that you
23 sent to Mr. Paladino?

24 A. Yes.

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1 Q. Do you see the second paragraph it
2 says, I got an email from the
3 writeaninmate.com -- strike that. Are you
4 still receiving emails from Mr. Paladino's
5 writeaninmate.com?

6 A. No.

7 Q. Would that email still be in
8 your -- would any of these emails related
9 to that account you set up still be in your
10 inbox?

11 A. No.

12 Q. You would have deleted them?
13 Well, let me ask it differently: Do you
14 know if they're still in your inbox?

15 A. No, I don't.

16 Q. Okay. I would ask that you check
17 to see if they're in there.

18 MS. MAYS: That's the
19 last one.

20 BY MS. ROSENTHAL:

21 Q. That's the last one. I won't show
22 them to you, but were there a number of
23 letters that you wrote to Mr. Outlaw under
24 the name Munira Outlaw?

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1 A. Yes.

2 Q. Is there a reason why you sent
3 them under the name Munira Outlaw?

4 A. Because Munira's my attribute.

5 Q. Is that the name that Mr. Outlaw
6 usually calls you by?

7 A. It's one of the names.

8 Q. Okay. I hesitate to go through
9 all these letters, but do you remember --
10 is it your recollection that in any of
11 these letters you mentioned that you were
12 considering buying a tablet for
13 Mr. Paladino?

14 A. No, I don't believe so.

15 Q. You don't believe so. All right.
16 I'll find it. You know what, let me strike
17 my follow-up question on that.

18 Let me just ask: Did you at any
19 point buy a tablet for Mr. Paladino?

20 A. No.

21 Q. Did you ever buy him anything?

22 A. No.

23 Q. Did he ever ask for money from
24 you?

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1 A. No, not that I can recall.

2 Q. Either -- did you ever get the
3 sense that he was asking for money from you
4 even if he didn't use those direct words?

5 A. I believe in one of his letters he
6 did mention something about money, but I
7 never sent him any money.

8 MS. ROSENTHAL: Okay.

9 I'm going to take one final
10 five-minute break and then maybe
11 ask like one question. And, yeah,
12 let's go off the record and then
13 be done. I'm going to reserve --
14 well, however much is left. I
15 think it will be about an hour in
16 the event that --

17 THE VIDEOGRAPHER: You're
18 ready --

19 MS. ROSENTHAL: Yeah, go
20 off.

21 THE COURT: We're now
22 going off record. The time now is
23 5:28 p.m.

24 (Brief recess.)

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1 THE VIDEOGRAPHER: We're
2 now back on the record. The time
3 now is 6:04 p.m.

4 - - -

5 EXAMINATION

6 - - -

7 BY MS. MAYS:

8 Q. Okay. I just have a couple more
9 questions after we spoke to your counsel.

10 So when did you first retain
11 Mr. Van Naarden, if you can remember?

12 A. In the beginning when Donald
13 retained him. We retained him together.

14 Q. Okay. So at the same time?

15 A. Yes.

16 Q. Is there a fee agreement that you
17 know of that you signed?

18 A. No.

19 Q. Okay. So you're not paying
20 Mr. Van Naarden any fees yourself?

21 A. No.

22 Q. Did you ever enter into any type
23 of joint defense agreement with Mr. Outlaw?

24 A. No. It's my understanding that

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1 he's just representing me for anything that
2 comes up.

3 Q. Okay --

4 MR. VAN NAARDEN: Real
5 quick, I don't know if she knows
6 what a joint defense agreement is
7 so it's hard to --

8 BY MS. MAYS:

9 Q. Did you ever sign any type of
10 contract with your husband when you
11 retained Mr. Van Naarden?

12 A. I don't believe so, no.

13 Q. So your understanding is that
14 Mr. Van Naarden represents you for this
15 whole civil litigation?

16 A. Yes, and if I needed an attorney
17 for anything.

18 Q. You could contact Mr. Van Naarden?

19 A. Yes.

20 Q. And we went through this a little
21 bit before, but how many times did you meet
22 with Mr. Van Naarden? How many times have
23 you met with Mr. Van Naarden in person?

24 A. We met yesterday for a couple

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1 hours.

2 Q. Okay. And before that?

3 A. I believe I met with him in the
4 beginning, like, when we retained him.

5 Q. Okay. When you first met with
6 him, was anyone else at that meeting
7 besides people from Mr. Van Naarden's firm?

8 A. Well, Donald.

9 Q. Okay. And when you met with him
10 yesterday, was anyone else there besides
11 people from Mr. Van Naarden's firm?

12 A. No.

13 Q. Have you spoken on the phone with
14 Mr. Van Naarden to prepare for this
15 deposition?

16 A. No, we met yesterday for a couple
17 hours.

18 Q. Okay. And then let me change
19 track a little bit here.

20 Did you ever discuss with your
21 husband Mr. Outlaw not taking a lesser plea
22 when he was offered that?

23 A. We did have a conversation about
24 it.

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1 Q. Okay. And obviously, Mr. Outlaw
2 did not take a lesser offense, right?

3 A. Correct.

4 Q. And did you discuss why he chose
5 not to do that?

6 A. Well, because he was innocent and
7 he wanted to take it all the way.

8 MR. VAN NAARDEN: Are
9 you -- just because I don't want
10 to get into issues, you're talking
11 about later on, like during the
12 post conviction release stuff?

13 MS. MAYS: Yes.

14 THE WITNESS: Oh, okay.
15 Because that's what I was
16 saying --

17 MR. VAN NAARDEN: Not as
18 opposed to --

19 MS. MAYS: Yeah, not like
20 a guilty plea in the beginning.

21 MR. VAN NAARDEN: That's
22 what I thought you meant.

23 BY MS. MAYS:

24 Q. Did he ever mention to you not

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1 wanting to take a lesser plea because he
2 wanted to file this civil lawsuit?

3 A. No, his main thing was he wanted
4 justice for himself. He didn't do it and
5 he wanted to be vindicated. He wanted to
6 clear his name.

7 Q. Okay. When did you first discuss
8 with Mr. Outlaw or with anyone filing this
9 civil lawsuit?

10 A. I believe it was after his case
11 was dismissed.

12 Q. Do you know how soon after?

13 A. I'm not sure.

14 Q. Was it one month after?

15 A. I believe it was more than a
16 month.

17 Q. Okay. But you can't say how many
18 months?

19 A. I don't remember the exact date
20 where he decided that that's what he wanted
21 to do.

22 Q. Okay. I'm just going to show -- I
23 forget what Exhibit No. we're on.

24 COURT REPORTER: I

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1 think --

2 THE WITNESS: 32.

3 COURT REPORTER: So we're
4 starting with 32?

5 MR. VAN NAARDEN: She's
6 right.

7 (Exhibit marked Exhibit
8 32 for identification.)

9 BY MS. MAYS:

10 Q. Okay. So I'm showing you what has
11 been Bates stamped CITY014413 through
12 CITY014424. Do you see on the fifth line
13 there the date of 8/26/2019 it says
14 personal gift Solomon Monique?

15 A. Yes.

16 Q. And do you see at the top of this
17 document it says, Offender name Holder,
18 Christopher?

19 A. Yes.

20 Q. Is that you who gave that personal
21 gift of \$100 to Christopher Holder?

22 A. Yes.

23 Q. And why did you give him that
24 money?

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1 A. Well, him and Donald are friends
2 and I believe Christopher called and said
3 that he needed money for either food or
4 honestly, it could have been a month of
5 Ramadan. And during the month of Ramadan,
6 we're supposed to give charity. So he
7 could have -- you know, we could have sent
8 that money for the sake of the month of
9 Ramadan where we give charity to the less
10 fortunate.

11 Q. Okay. Is that something you did
12 with other inmates as well or just
13 Mr. Holder?

14 A. No, just specifically, like,
15 Donald's friends.

16 Q. Okay. And do you know anyone
17 named Rob that you would cc on emails that
18 you had sent?

19 A. Rob?

20 Q. (Nodding affirmatively).

21 A. I don't believe so unless it was
22 another attorney. I can't think of a Rob.

23 Q. Okay. I'm going to play a call
24 that I don't know that it's been Bates

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1 stamped necessarily. These are from the
2 DOC. And the date is April 15, 2019, time
3 of 14:04:48. I'm going to play a portion
4 of it starting at the 4:01 mark.

5 Audio playing:

6 "Speaker 1: At 8:30 today
7 because I'm on vacation" --

8 Do you recognize that voice?

9 A. I believe that's me.

10 Q. Okay. Starting again at 4 minutes
11 and 6 seconds.

12 "Speaker 1: And he gave me
13 something to file like Friday
14 before he left in the afternoon
15 and it didn't get accepted by the
16 court and Rob had to be there
17 Monday morning so he was, like,
18 texting my phone on Saturday all
19 worried and stressed, like, you
20 know, come in early because we
21 need to make sure this is done
22 whatever, whatever, because he
23 hate doing last-minute stuff.

24 Speaker 2: Who don't?

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1 Speaker 1: Yeah, so I had
2 called the lady at the court and
3 she was like, she only accept them
4 in morning time or whatever, this
5 is Friday afternoon. So she,
6 like, on the tip like she'll do it
7 on Monday. So I mean, I came in
8 and he had messed up on it and she
9 rejected it and I had to correct
10 it and then refile it, but I mean
11 it ended up working out because he
12 thought he had to be in court at
13 9:15, but it was really 10:45.

14 Speaker 2: I know. I hate
15 working like that. I don't like
16 that type of shit.

17 Speaker 1: And Tim sent me an
18 email wanting me to do all this
19 stuff that he should have did
20 before he left. So I pretty much
21 was working on that all freaking
22 morning until now because he got a
23 motion against him.

24 Speaker 2: Yeah, (inaudible).

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1 Speaker 1: Yo, it's so windy
2 outside like --

3 Speaker 2: I think like
4 that's your thing, though. You're
5 like a last-minute type of gal.

6 Speaker 1: No, I'm not. In
7 my personal life absolutely, but
8 in my work life like because if we
9 miss the statutes, like that's my
10 job. I always like to get shit
11 in. But it's, like, with Tim with
12 my (inaudible), I've been busting
13 my butt for these three complaints
14 that I gave him (inaudible).

15 Speaker 2: You need to start
16 telling on him.

17 Speaker 1: No, I have. And I
18 cc'd Rob and emailed him so he
19 knows. And Rob is like stay on
20 Tim, stay on Tim."

21 Pausing it at 6 minutes and 38
22 seconds. Did you hear the name Rob in that
23 then?

24 A. Yeah, that's my boss.

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1 Q. Okay.

2 A. It wouldn't be pertaining to
3 anything to Donald. Like, that whole
4 situation was work-related.

5 Q. Okay. Got it.

6 THE VIDEOGRAPHER: Just
7 to let you know, I --

8 MS. MAYS: You can't hear
9 that one?

10 THE VIDEOGRAPHER: No,
11 it's like -- I can hear it, but I
12 can't distinguish what it is.

13 MS. MAYS: Okay.

14 BY MS. MAYS:

15 Q. I think just one more question.
16 Do you ever keep in contact with Katima
17 Jackson now?

18 A. No.

19 Q. When was the last time you talked
20 to her?

21 A. At the hearing.

22 Q. At the PCRA hearing?

23 A. Yeah.

24 MS. MAYS: Okay. I think

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1 I have nothing further.

2 MR. VAN NEERDAN: I have
3 nothing.

4 THE VIDEOGRAPHER: That's
5 it. Okay. This concludes the
6 deposition of Monique Solomon
7 Outlaw. We're going off record at
8 6:15 p.m.

9 (Videotaped Deposition
10 concluded at 6:15 p.m.)
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C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic notes
taken by me in the foregoing matter, and that
this is a correct transcript of the same.

TANEHA CARROLL
Court Reporter - Notary Public

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying reporter.)

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EXHIBIT C

(Donald Outlaw Deposition Transcript)

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF PENNSYLVANIA
3

4 Donald Michael Outlaw :
5 Plaintiff :
6 vs. : Civil Action
7 City of Philadelphia : No. 21-1290
8 et al. :
9 Defendant :

10 Tuesday, July 26, 2022
11 - - -

12 Videotaped deposition of DONALD
13 OUTLAW, taken pursuant to notice, at the
14 offices of the Philadelphia Law Department,
15 1515 Arch Street, Philadelphia, Pennsylvania,
16 before Michele L. Murphy, a Registered
17 Professional Reporter and Notary Public, on
18 the above date, beginning at approximately
19 10:45 a.m.

20 - - -
21
22
23
24

1 A P P E A R A N C E S:

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18 Representing the Defendants

19 ALSO PRESENT: Bill Hayes
20 Video Technician

21 - - -

22 (It is hereby stipulated and
23 agreed by and between counsel that
24 sealing, filing and certification are
waived; and that all objections, except
as to the form of questions, be reserved
until the time of trial.)

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<div>Page 4</div> <div>1 INDEX (Continued):</div> <div>2</div> <div>3 E X H I B I T S</div> <div>4 No. Description Page</div> <div>5 Outlaw-12 Audio file 149</div> <div>6 Outlaw-13 Audio file 170</div> <div>7 Outlaw-14 Inmate Visitor Log 187</div> <div>8 Outlaw-15 Resume of Donald Outlaw 239</div> <div>9 Outlaw-16 Audio file 282</div> <div>10 Outlaw-17 Audio file 285</div> <div>11 Outlaw-18 Audio file 288</div> <div>12 Outlaw-19 E-mail chain between Foster and Monique Outlaw 296</div> <div>13 Outlaw-20 Audio file 309</div> <div>14 Outlaw-21 Audio file 313</div> <div>15 Outlaw-22 Inmate Money Transfer Deposit History 317</div> <div>16 Outlaw-23 Complaint - Motor Vehicle Accident 324</div> <div>17 Outlaw-24 Praeipce to Attach Verification 328</div> <div>18 Outlaw-25 Handwritten letter to Nikki 342</div> <div>19</div> <div>20</div> <div>21 (Audio files retained by counsel.)</div> <div>22 - - -</div> <div>23</div> <div>24</div>	<div>Page 6</div> <div>1 MS. MAYS: Katelyn Mays on</div> <div>2 behalf of the City, Detectives Piree and</div> <div>3 Peterman as well.</div> <div>4 VIDEO TECHNICIAN: The court</div> <div>5 reporter will now swear in the witness.</div> <div>6 - - -</div> <div>7 ...DONALD OUTLAW, after having</div> <div>8 been duly sworn, was examined and</div> <div>9 testified as follows:</div> <div>10 - - -</div> <div>11 BY MS. ROSENTHAL:</div> <div>12 Q. So good morning, Mr. Outlaw. Thank</div> <div>13 you for bearing with us with the technical</div> <div>14 difficulties. I represent the defendants in</div> <div>15 this case, and I will be taking your</div> <div>16 deposition today. So I just wanted to go over</div> <div>17 some ground rules at the beginning of the</div> <div>18 deposition to make sure it goes more smoothly</div> <div>19 and we understand each other and we're on the</div> <div>20 same page.</div> <div>21 First of all, do you understand that</div> <div>22 you're testifying under oath today and you're</div> <div>23 legally obligated to tell the truth under the</div> <div>24 penalty of perjury?</div>

<p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 Q. So even though you're testifying in</p> <p>3 an informal conference room, do you understand</p> <p>4 that the same penalties apply for lying under</p> <p>5 oath as if you were testifying in a courtroom</p> <p>6 before a judge?</p> <p>7 A. Yes.</p> <p>8 Q. You must provide also a verbal</p> <p>9 response to any questions that I ask. The</p> <p>10 stenographer is taking down what you say, so</p> <p>11 like uh-huh or a verbal gesture won't be</p> <p>12 easily recorded. So if you could just</p> <p>13 remember to provide verbal responses.</p> <p>14 Does that make sense?</p> <p>15 A. Yes. I will try my best.</p> <p>16 Q. If you don't hear a question or you</p> <p>17 don't understand a question, please say so,</p> <p>18 and I will repeat or rephrase the question or</p> <p>19 ask the court reporter to read the question</p> <p>20 back.</p> <p>21 If you answer a question that I ask,</p> <p>22 I will assume that you both heard the question</p> <p>23 and understood the question.</p> <p>24 Do you understand this?</p>	<p style="text-align: right;">Page 9</p> <p>1 will do.</p> <p>2 Q. Another thing that will help the</p> <p>3 deposition go more smoothly is, don't start to</p> <p>4 answer a question until I finish asking my</p> <p>5 question, because if we talk over each other,</p> <p>6 it will be difficult for the court reporter.</p> <p>7 And I'll try to do the same in letting you</p> <p>8 finish your answer and asking a question.</p> <p>9 Does that make sense?</p> <p>10 A. Can you repeat that?</p> <p>11 Q. Sure. So because the court reporter</p> <p>12 is taking down what both of us are saying, it</p> <p>13 is important that we don't talk over one</p> <p>14 another. So I'll do my best to let you finish</p> <p>15 your answer before I ask another question, and</p> <p>16 I would ask that you let me finish my</p> <p>17 question, even if you think you know what is</p> <p>18 coming, just let me finish my question before</p> <p>19 you begin your answer.</p> <p>20 Does that make sense to you?</p> <p>21 A. Yes.</p> <p>22 Q. If at any point during the</p> <p>23 deposition if I've asked a question and you</p> <p>24 need to talk to your attorney, you may do so</p>
<p style="text-align: right;">Page 8</p> <p>1 A. Yes.</p> <p>2 Q. And I'm going to be asking you</p> <p>3 questions today about certain events that may</p> <p>4 have occurred quite a while ago. If you have</p> <p>5 an actual present recollection, no matter</p> <p>6 whether it's faint or not, please give us that</p> <p>7 recollection, but I'm not asking you to guess</p> <p>8 or speculate if you do not remember. So if</p> <p>9 you do not remember, please say that you don't</p> <p>10 remember.</p> <p>11 Does that make sense?</p> <p>12 A. Yes. I will try to give testimony</p> <p>13 to the best of my ability. A lot of stuff</p> <p>14 from 10, 20 years ago is not fresh on my mind,</p> <p>15 but whatever, you know, I remember, I will</p> <p>16 definitely let you know to the best of my</p> <p>17 ability.</p> <p>18 Q. Okay. And then also if you don't</p> <p>19 know the answer to a question, then please say</p> <p>20 "I don't know" rather than to guess at an</p> <p>21 answer, unless I ask you to make your best</p> <p>22 guess in answering the question.</p> <p>23 Does that make sense?</p> <p>24 A. Yes. Whatever you need me to do, I</p>	<p style="text-align: right;">Page 10</p> <p>1 if it relates to a claim of privilege. Do you</p> <p>2 understand what I mean by that?</p> <p>3 A. No, I do not.</p> <p>4 Q. Okay. If I ask you a question,</p> <p>5 unless your counsel instructs you not to</p> <p>6 answer the question, you must answer it. You</p> <p>7 can ask, however, to consult with counsel, but</p> <p>8 only if the reason for consulting with counsel</p> <p>9 before answering the question is because you</p> <p>10 have a question about whether there's an</p> <p>11 attorney/client privilege, if it's amendment</p> <p>12 privilege, some other privilege that you need</p> <p>13 to confer with counsel about.</p> <p>14 Does that make sense?</p> <p>15 A. Can you repeat that again?</p> <p>16 Q. Sure. Sure. Well, what part of it</p> <p>17 is confusing to you? Maybe -- so I can say it</p> <p>18 more clearly rather than just repeat myself.</p> <p>19 A. I mean, I'm not a hundred percent</p> <p>20 sure exactly what you mean by certain</p> <p>21 privileges when it come to answering the</p> <p>22 questions. I just -- I didn't really</p> <p>23 comprehend it, so can you repeat it, please.</p> <p>24 MS. ROSENTHAL: Does it make</p>

<p style="text-align: right;">Page 11</p> <p>1 sense, Mr. Van Naarden, for you to say --</p> <p>2 explain?</p> <p>3 MR. VAN NAARDEN: I'm happy to,</p> <p>4 if you want me to.</p> <p>5 MS. ROSENTHAL: Sure. Well,</p> <p>6 yeah, sure. Go ahead. I'm not sure how</p> <p>7 to explain it better, so...</p> <p>8 MR. VAN NAARDEN: I think what</p> <p>9 Ms. Rosenthal is saying, under normal</p> <p>10 circumstances if a question is posed, you</p> <p>11 have to give an answer before taking a</p> <p>12 break, but you are absolutely permitted</p> <p>13 to take a break after you give your</p> <p>14 answer if you so choose.</p> <p>15 However, if the question is</p> <p>16 asked of you and you're concerned that</p> <p>17 your answer may incriminate you or your</p> <p>18 answer may divulge discussions that</p> <p>19 you've had with attorneys that may be</p> <p>20 privileged, you can ask to take a break</p> <p>21 even before you give your answer if you</p> <p>22 want to speak to me under those</p> <p>23 circumstances.</p> <p>24 Does that make sense?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Did you take any prescription</p> <p>2 medications or any other substances within the</p> <p>3 past 24 hours that could impair your memory,</p> <p>4 your ability to answer my questions, or your</p> <p>5 ability to testify truthfully and fully?</p> <p>6 A. No.</p> <p>7 Q. Is there any other reason that you</p> <p>8 may not be able to testify fully and</p> <p>9 truthfully today?</p> <p>10 A. No.</p> <p>11 Q. Have you ever been deposed before?</p> <p>12 A. Deposed? What you mean?</p> <p>13 Q. Have you ever sat for a deposition</p> <p>14 similar to the deposition you're sitting for</p> <p>15 today in a civil case?</p> <p>16 A. No. No. I never had to sit with</p> <p>17 this before.</p> <p>18 Q. Have you ever testified in court</p> <p>19 before?</p> <p>20 A. I'm not sure. I've been through a</p> <p>21 lot of court proceedings.</p> <p>22 COURT REPORTER: I'm sorry.</p> <p>23 Can you keep your voice up. You're very</p> <p>24 soft spoken.</p>
<p style="text-align: right;">Page 12</p> <p>1 THE WITNESS: Yes.</p> <p>2 MR. VAN NAARDEN: Okay.</p> <p>3 MS. ROSENTHAL: Okay.</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. So, yeah, that explained it well.</p> <p>6 It has to relate to a question about divulging</p> <p>7 communications or incriminating yourself or</p> <p>8 some other legally protected reason for not</p> <p>9 answering, though. You can't consult with</p> <p>10 your counsel about just the best way to answer</p> <p>11 the question, if that makes sense.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And if you want to take a</p> <p>14 break at any point in time to stretch, to go</p> <p>15 to the bathroom, to get something to eat, feel</p> <p>16 free to let me know, and we'll take a break,</p> <p>17 and we will probably take breaks regularly</p> <p>18 regardless.</p> <p>19 Do you understand that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you have any questions for</p> <p>22 me before the deposition begins about how it</p> <p>23 will proceed today?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 14</p> <p>1 THE WITNESS: Yeah. I'm not</p> <p>2 sure. I've been through a lot of court</p> <p>3 proceedings. To my knowledge, I think so</p> <p>4 with all the stuff going on with my case.</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. Can you recall a specific instance</p> <p>7 in which you testified in court before either</p> <p>8 as a party to a case or as a witness?</p> <p>9 A. Not offhand.</p> <p>10 Q. Have you ever been a plaintiff or a</p> <p>11 defendant in a civil case other than this</p> <p>12 case?</p> <p>13 A. Can you repeat the question?</p> <p>14 Q. Sure.</p> <p>15 Have you ever been a party to a</p> <p>16 civil case, excluding this case?</p> <p>17 A. No, not that I know of.</p> <p>18 Q. Did you do any sort of preparation</p> <p>19 in advance of your deposition today?</p> <p>20 A. No. Well, I woke up, ate breakfast,</p> <p>21 tried my best to just clear my mind.</p> <p>22 Q. So without divulging any</p> <p>23 communications between you and your counsel,</p> <p>24 did you meet with your counsel to prepare for</p>

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<p>Page 15</p> <p>1 your deposition today?</p> <p>2 A. Yes. I met with my counsel</p> <p>3 yesterday to -- he told me that the deposition</p> <p>4 was tomorrow.</p> <p>5 MR. VAN NAARDEN: You can't</p> <p>6 talk about what we talked about. She's</p> <p>7 very careful. She's saying don't talk</p> <p>8 about what we talked about, but she can</p> <p>9 ask questions kind of around the fringe,</p> <p>10 like where we met and how long we spent.</p> <p>11 THE WITNESS: Well --</p> <p>12 MR. VAN NAARDEN: She has to</p> <p>13 ask the questions.</p> <p>14 BY MS. ROSENTHAL:</p> <p>15 Q. You met yesterday with your counsel</p> <p>16 about preparing for the deposition today?</p> <p>17 A. I met with my counsel yesterday. He</p> <p>18 told me that the deposition --</p> <p>19 Q. No.</p> <p>20 A. -- was today and to be on time.</p> <p>21 That was it.</p> <p>22 Q. Okay. So you didn't prepare</p> <p>23 substantively.</p> <p>24 Did you meet any other time with</p>	<p>Page 17</p> <p>1 about, about your deposition today?</p> <p>2 A. I mean, my wife. I know that she</p> <p>3 got deposed, and I told her I was getting</p> <p>4 deposed today. But as far as in-depth</p> <p>5 conversation, no, but just in general about</p> <p>6 the deposition, my wife.</p> <p>7 Q. Did you talk to anyone about what</p> <p>8 questions might be asked of you or what</p> <p>9 answers you might give?</p> <p>10 A. No.</p> <p>11 Q. Have you read any transcripts of</p> <p>12 prior depositions in this case?</p> <p>13 A. Prior depositions? What you mean?</p> <p>14 Q. Other people have been deposed in</p> <p>15 this case thus far. Have you read any</p> <p>16 transcripts of those depositions or viewed any</p> <p>17 video recordings of those individuals being</p> <p>18 deposed?</p> <p>19 A. No, I have not.</p> <p>20 Q. Did you speak with your wife about</p> <p>21 her deposition, other than the fact that she</p> <p>22 was deposed?</p> <p>23 A. No. We didn't get into depth, but</p> <p>24 she told me that she got deposed and a lot of</p>
<p>Page 16</p> <p>1 your counsel where you met in part or in full</p> <p>2 to prepare for today's deposition?</p> <p>3 A. Can you repeat that question?</p> <p>4 Q. Sure.</p> <p>5 Other than the meeting yesterday,</p> <p>6 which it sounds like you did not substantively</p> <p>7 discuss preparation for the deposition, did</p> <p>8 you have any other meeting with your counsel</p> <p>9 that specifically addressed preparation for</p> <p>10 the deposition today?</p> <p>11 A. No, not that I know of. No.</p> <p>12 Q. How long did you meet with your</p> <p>13 counsel yesterday?</p> <p>14 A. I'm not exactly sure of the time.</p> <p>15 Like ten minutes.</p> <p>16 Q. Did you review any documents in</p> <p>17 preparation for your deposition today?</p> <p>18 A. No.</p> <p>19 Q. Did you speak with anyone else other</p> <p>20 than your counsel about your deposition today?</p> <p>21 A. What do you mean by that? I'm</p> <p>22 confused.</p> <p>23 Q. Did you talk to anyone else,</p> <p>24 excluding your counsel, who I already asked</p>	<p>Page 18</p> <p>1 the questions was uncomfortable for her.</p> <p>2 Q. Okay. I just want to be clear,</p> <p>3 because when you say you didn't go into depth,</p> <p>4 I'm unsure whether you mean that you didn't</p> <p>5 discuss it at all or you didn't discuss it to</p> <p>6 the extent you would consider it to go into</p> <p>7 depth.</p> <p>8 You said that she said that a lot of</p> <p>9 the questions were uncomfortable. Did she say</p> <p>10 anything else about the deposition?</p> <p>11 A. No. That was it. When she left the</p> <p>12 deposition and got home that night, she told</p> <p>13 me that she got deposed and that she was asked</p> <p>14 some things that she wasn't comfortable with,</p> <p>15 and she left it there. She was like -- you</p> <p>16 know, she know that I was supposed to get</p> <p>17 deposed soon, and that was basically it.</p> <p>18 MS. ROSENTHAL: Can you hear</p> <p>19 him?</p> <p>20 COURT REPORTER: It's very</p> <p>21 difficult.</p> <p>22 If you could just keep your</p> <p>23 voice up a little bit more, that would be</p> <p>24 great.</p>

<p style="text-align: right;">Page 19</p> <p>1 THE WITNESS: I apologize. I'm</p> <p>2 sorry.</p> <p>3 COURT REPORTER: Thank you.</p> <p>4 THE WITNESS: I'mma try my</p> <p>5 best.</p> <p>6 COURT REPORTER: Thank you.</p> <p>7 BY MS. ROSENTHAL:</p> <p>8 Q. Did she specify what questions she</p> <p>9 was uncomfortable with?</p> <p>10 A. No, she did not.</p> <p>11 Q. Did you know she was going to be</p> <p>12 deposed in advance of Friday's deposition?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ask her any questions about</p> <p>15 the deposition?</p> <p>16 A. No.</p> <p>17 Q. Did you bring any documents with you</p> <p>18 today?</p> <p>19 A. No, I did not.</p> <p>20 Q. Okay. I want to show you a document</p> <p>21 that I'm going to mark as Exhibit-1 -- or</p> <p>22 excuse me. I'm going to mark it as Outlaw</p> <p>23 Exhibit-1. It's a copy of the Complaint that</p> <p>24 was filed in this case.</p>	<p style="text-align: right;">Page 21</p> <p>1 filed, so I can't honestly say that I saw it</p> <p>2 before or after. I don't know. I just know</p> <p>3 that he showed me or gave me a copy of it.</p> <p>4 Before or after it was filed, I'm not sure.</p> <p>5 Q. I want to direct your attention to</p> <p>6 the first page of the Complaint. It's the</p> <p>7 page that's marked Page 4, if you look at the</p> <p>8 numbering at the top.</p> <p>9 MS. ROSENTHAL: I apologize.</p> <p>10 Sorry. Can we go off the record for one</p> <p>11 second.</p> <p>12 VIDEO TECHNICIAN: We're now</p> <p>13 going off record. The time now is 11:02</p> <p>14 a.m.</p> <p>15 - - -</p> <p>16 (Discussion held off the</p> <p>17 record.)</p> <p>18 - - -</p> <p>19 VIDEO TECHNICIAN: We're now</p> <p>20 back on record. The time is 11:05 a.m.</p> <p>21 BY MS. ROSENTHAL:</p> <p>22 Q. So before we went off the record, I</p> <p>23 called your attention to the first page of</p> <p>24 allegations in the Complaint. Do you see</p>
<p style="text-align: right;">Page 20</p> <p>1 - - -</p> <p>2 (Exhibit Outlaw-1 marked for</p> <p>3 identification by counsel.)</p> <p>4 - - -</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. So just for the record, this is a</p> <p>7 copy of the 26-page ECF filing of the</p> <p>8 Complaint in this case dated March 17th, 2021.</p> <p>9 Are you familiar with this document,</p> <p>10 Mr. Outlaw?</p> <p>11 A. Yes.</p> <p>12 Q. Have you read it in full?</p> <p>13 A. Yes, but I don't remember exactly.</p> <p>14 I don't remember every page of the document,</p> <p>15 but I've seen it.</p> <p>16 Q. Okay. My question was only whether</p> <p>17 you read it in full.</p> <p>18 Did you read it prior to the</p> <p>19 Complaint being filed?</p> <p>20 A. No.</p> <p>21 Q. You did not see a copy of the</p> <p>22 Complaint prior to your counsel filing it in</p> <p>23 court?</p> <p>24 A. I don't know exactly when it was</p>	<p style="text-align: right;">Page 22</p> <p>1 Paragraph 2?</p> <p>2 I think that you may be on the wrong</p> <p>3 page.</p> <p>4 A. Page 4?</p> <p>5 Q. It's Page 4 if you look at the</p> <p>6 numbering at the top. If you want to look at</p> <p>7 the numbers at the bottom, it's Page 1.</p> <p>8 A. Oh, I'm sorry.</p> <p>9 Q. That's okay.</p> <p>10 Do you see under No. 2 it reads,</p> <p>11 "Mr. Outlaw ultimately spent sixteen years</p> <p>12 wrongfully incarcerated for these crimes,</p> <p>13 before his conviction was overturned, as a</p> <p>14 direct result of clear and unequivocal</p> <p>15 violations of his constitutional civil rights</p> <p>16 that led to his conviction"?</p> <p>17 Do you see where I read that?</p> <p>18 A. Yes.</p> <p>19 Q. Is that a correct statement, that as</p> <p>20 a result of your belief that you were</p> <p>21 wrongfully incarcerated, you spent 16 years in</p> <p>22 prison needlessly for a crime you didn't</p> <p>23 commit?</p> <p>24 A. Can you ask that question again?</p>

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<p style="text-align: right;">Page 23</p> <p>1 Q. Sure.</p> <p>2 Do you believe that that's a correct</p> <p>3 allegation as stated in No. 2?</p> <p>4 A. Yes. Absolutely.</p> <p>5 Q. Well, isn't it true that you spent</p> <p>6 ten of those years locked up for a different</p> <p>7 case?</p> <p>8 MR. VAN NAARDEN: Objection.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. So I'm going to mark as Exhibit --</p> <p>12 Outlaw Exhibit-2, and I understand from the</p> <p>13 stenographer that the audio clip will be</p> <p>14 retained by counsel rather than submit it but</p> <p>15 can be marked as Exhibit-2, a call from</p> <p>16 Christopher Holder to the number 267-456-8719</p> <p>17 that was placed on February 17th, 2021 at</p> <p>18 9:08:26, and the clip covers minute 3:05 to</p> <p>19 6:20. I'm going to play it for you.</p> <p>20 MR. VAN NAARDEN: Hold on a</p> <p>21 second. What is the source of the -- is</p> <p>22 that from the PA prisons? So we can</p> <p>23 track. What is the source of that call?</p> <p>24 MS. ROSENTHAL: I believe it's</p>	<p style="text-align: right;">Page 25</p> <p>1 because if it's coming from Chris Holder,</p> <p>2 it could be from a different institution.</p> <p>3 MS. ROSENTHAL: No. The</p> <p>4 Pennsylvania -- sorry.</p> <p>5 MR. VAN NAARDEN: That's okay.</p> <p>6 MS. ROSENTHAL: The</p> <p>7 Philadelphia Department --</p> <p>8 MS. MAYS: CFCF?</p> <p>9 MR. VAN NAARDEN: CFCF?</p> <p>10 MS. ROSENTHAL: No. I don't</p> <p>11 know what facility. I don't think that</p> <p>12 it's designated in the --</p> <p>13 MR. VAN NAARDEN: And this was</p> <p>14 produced, correct?</p> <p>15 MS. ROSENTHAL: Yes. All the</p> <p>16 calls were produced.</p> <p>17 BY MS. ROSENTHAL:</p> <p>18 Q. So please let me know if you can't</p> <p>19 hear this.</p> <p>20 (Audio being played.)</p> <p>21 Sorry. Is that loud enough?</p> <p>22 MS. MAYS: I don't think it's</p> <p>23 coming out at all.</p> <p>24 MS. ROSENTHAL: Can we go off</p>
<p style="text-align: right;">Page 24</p> <p>1 from the PA prisons.</p> <p>2 MR. VAN NAARDEN: So</p> <p>3 Pennsylvania Department of Corrections?</p> <p>4 MS. ROSENTHAL: Yes, although I</p> <p>5 won't -- I believe so, but I will -- I am</p> <p>6 happy to confirm that for you.</p> <p>7 MR. VAN NAARDEN: Well, just</p> <p>8 for all of these clips, I think just for</p> <p>9 the record we need to know obviously, as</p> <p>10 you've done, the date, the time, and the</p> <p>11 duration of the clip but also the source.</p> <p>12 MS. ROSENTHAL: Sure. Sure. I</p> <p>13 believe this is from the Department of</p> <p>14 Corrections.</p> <p>15 MR. VAN NAARDEN: And, again,</p> <p>16 is it specific as to which institution it</p> <p>17 came from? Because you're talking about</p> <p>18 Chris Holder.</p> <p>19 MS. ROSENTHAL: Sorry. The</p> <p>20 Pennsylvania Department of Prisons.</p> <p>21 MR. VAN NAARDEN: I understand,</p> <p>22 but do you have -- do you know what --</p> <p>23 MS. MAYS: But like which SCI?</p> <p>24 MR. VAN NAARDEN: Correct,</p>	<p style="text-align: right;">Page 26</p> <p>1 the record. I'm sorry.</p> <p>2 VIDEO TECHNICIAN: We're now</p> <p>3 going off record. The time now is</p> <p>4 11:09 -- 11:10 a.m.</p> <p>5 - - -</p> <p>6 (Discussion held off the</p> <p>7 record.)</p> <p>8 - - -</p> <p>9 VIDEO TECHNICIAN: We're now</p> <p>10 back on record. The time is 11:11 a.m.</p> <p>11 BY MS. ROSENTHAL:</p> <p>12 Q. Okay. So I am going to play a video</p> <p>13 clip that I have marked as Outlaw Exhibit-2.</p> <p>14 It's a call from Christopher Holder at the</p> <p>15 Philadelphia Department of Prisons to the</p> <p>16 number 267-456-8719 on February 17th, 2021 at</p> <p>17 9:08:26, and the clip covers minute 3:05 to</p> <p>18 minute 6:20.</p> <p>19 MR. VAN NAARDEN: Just you said</p> <p>20 it was a video clip. That's not true,</p> <p>21 right?</p> <p>22 MS. ROSENTHAL: Audio clip.</p> <p>23 MR. VAN NAARDEN: Okay. Great.</p> <p>24 (Audio being played.)</p>

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<p>Page 27</p> <p>1 MS. ROSENTHAL: All right.</p> <p>2 Sorry. We're going to have to go off. I</p> <p>3 don't know what's going on with the</p> <p>4 audio.</p> <p>5 VIDEO TECHNICIAN: We're now</p> <p>6 going off record. The time is 11:14 a.m.</p> <p>7 - - -</p> <p>8 (Discussion held off the</p> <p>9 record.)</p> <p>10 - - -</p> <p>11 VIDEO TECHNICIAN: We're now</p> <p>12 back on record. The time is 11:19 a.m.</p> <p>13 BY MS. ROSENTHAL:</p> <p>14 Q. We're having issues with the audio</p> <p>15 being audible, so I'm going to fast forward</p> <p>16 and skip that at this point.</p> <p>17 MS. ROSENTHAL: I'm going to</p> <p>18 mark as Exhibit-3 -- I'm going to mark as</p> <p>19 Outlaw-3 Defendants' First Set of</p> <p>20 Requests for Production Directed Toward</p> <p>21 Plaintiff Donald Michael Outlaw.</p> <p>22 - - -</p> <p>23 (Exhibit Outlaw-3 marked for</p> <p>24 identification by counsel.)</p>	<p>Page 29</p> <p>1 Q. When you received this set of</p> <p>2 document requests, did you search for all of</p> <p>3 the documents that were requested within the</p> <p>4 set of requests?</p> <p>5 A. Yes.</p> <p>6 Q. And what sources of information or</p> <p>7 files did you search; for example, computer,</p> <p>8 hard copy files, e-mails, text messages? What</p> <p>9 sources of information did you search?</p> <p>10 A. I do not have a computer. I</p> <p>11 searched my telephone.</p> <p>12 Q. You do not have a computer?</p> <p>13 A. No, I do not.</p> <p>14 I searched my telephone, my e-mail</p> <p>15 record, my text log, my call log, anything</p> <p>16 that was in my phone.</p> <p>17 Q. Do you have a tablet?</p> <p>18 A. No.</p> <p>19 Q. Did you search for any hard copy</p> <p>20 documents?</p> <p>21 A. Yes. To the best of my ability,</p> <p>22 yes.</p> <p>23 Q. Did you have hard copy documents?</p> <p>24 A. No.</p>
<p>Page 28</p> <p>1 - - -</p> <p>2 BY MS. ROSENTHAL:</p> <p>3 Q. Have you seen this document before?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recognize it as a set of</p> <p>6 requests asking you to produce documents?</p> <p>7 MR. VAN NAARDEN: Hold on a</p> <p>8 second. What you gave me -- oh, I'm</p> <p>9 sorry.</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. You said that you have seen this</p> <p>12 document before?</p> <p>13 A. Yes, but I looked at so many</p> <p>14 documents, so many different paperwork, I want</p> <p>15 to refresh my memory before I intelligently</p> <p>16 speak on anything that's in here.</p> <p>17 Q. Sure. I will give you time to look</p> <p>18 through it if you need to to answer any</p> <p>19 questions.</p> <p>20 A. Right, but you asked me if I saw the</p> <p>21 document, and I just want to, you know, look</p> <p>22 at it before I commit myself to saying that.</p> <p>23 (Pause.)</p> <p>24 Okay.</p>	<p>Page 30</p> <p>1 Q. Okay. So any hard copy documents</p> <p>2 produced by your counsel were obtained from</p> <p>3 elsewhere, you didn't have any?</p> <p>4 A. Unfortunately, I served a lot of</p> <p>5 time in jail, and I'm not real savvy with a</p> <p>6 lot of stuff. Like I depend on my wife for a</p> <p>7 lot of things. I'm like, you know,</p> <p>8 handicapped with a lot of stuff due to my</p> <p>9 long-term incarceration. I really don't know</p> <p>10 how to keep up with a lot of things. I really</p> <p>11 don't -- you know, a lot of stuff I rely on</p> <p>12 Monique for.</p> <p>13 I spent most of my life in jail, and</p> <p>14 these are not things that -- any type of</p> <p>15 documents or things of that nature, like I</p> <p>16 don't keep. I don't -- like anything with</p> <p>17 that, I rely on my wife. Like I give it to</p> <p>18 her and, you know, it's her job to, you know,</p> <p>19 store it, keep track of it, so forth and so</p> <p>20 on. Due to me being behind, like I really</p> <p>21 don't know how to do a lot of things, where I</p> <p>22 rely on my wife for a lot.</p> <p>23 Q. Okay.</p> <p>24 A. So my main source of trying to find</p>

<p style="text-align: right;">Page 31</p> <p>1 these documents and everything that you asked 2 for was me asking Monique. 3 Q. Okay. I'd like to strike that 4 answer as non-responsive. 5 My question is whether you 6 provided -- 7 A. I apologize. 8 Q. -- any hard copy documents to your 9 counsel. If any hard copy documents were 10 produced, would they have come from a 11 different source other than you? 12 A. Yes. More than likely, it would 13 have come from -- 14 Q. That's not -- I've not asked -- 15 MR. VAN NAARDEN: Danielle, you 16 have to let him answer the question. If 17 you want -- 18 MS. ROSENTHAL: My question -- 19 MR. VAN NAARDEN: If you want 20 to move to strike it after the fact, but 21 you can't just interrupt him in the 22 middle of an answer. So if you could let 23 him answer, and if you want to move to 24 strike it, so be it.</p>	<p style="text-align: right;">Page 33</p> <p>1 Obviously we're not going to agree to 2 that. He's here and he's willing to 3 answer all of your questions. 4 MS. ROSENTHAL: Okay. I 5 believe -- 6 MR. VAN NAARDEN: That are 7 appropriate. 8 BY MS. ROSENTHAL: 9 Q. I believe that you've answered my 10 question, that you don't have any hard copy 11 documents and none were provided. 12 Did you find any responsive 13 documents -- well, let me strike that. 14 First of all, does your wife have a 15 computer? 16 A. No. 17 Q. Have you ever owned a computer? 18 A. No. I was in jail most of my life. 19 Q. And how many phones do you own? 20 A. Currently right now, one. 21 Q. My question is how many phones do 22 you have, whether or not they're currently 23 active, that are in your possession that 24 you're able to search for responsive documents</p>
<p style="text-align: right;">Page 32</p> <p>1 MR. ROSENTHAL: Sure. If we 2 can -- 3 MR. VAN NAARDEN: But it's 4 not -- just like I don't want to be 5 interrupted when I'm talking. 6 MS. ROSENTHAL: Sure. If we 7 spend -- 8 MR. VAN NAARDEN: But -- I'm 9 still talking. 10 If you want to move to strike 11 an answer, that's your prerogative, but 12 you can't -- that's the instruction you 13 gave the witness in the beginning. He 14 hasn't stepped on your toes. 15 MS. ROSENTHAL: Sure. If we do 16 spend a lot of the deposition with 17 non-responsive answers, though, then we 18 may need to extend the time of the 19 deposition because the amount of time 20 that was taken up not answering the 21 questions. 22 MR. VAN NAARDEN: You can 23 certainly seek whatever legal avenues you 24 believe are appropriate to do that.</p>	<p style="text-align: right;">Page 34</p> <p>1 or communications on? 2 A. One. 3 Q. So all your prior phones are no 4 longer in your possession? 5 A. Yeah. Unfortunately, I spent most 6 of my life in jail. Like I'm not -- like I'm 7 careless with the devices. Sometimes I've 8 gotten out the car, I dropped my phone. I 9 lost it. Several of my phones have been 10 broken and, you know, my number changed a lot 11 because I lose my phones, I break them, and 12 they're no good to me no more. If they're 13 broken and if I lose it, I don't have it. 14 Q. When is the most recent phone that 15 you have gotten? 16 A. The one I have now. 17 Q. Yes. When did you obtain it? 18 A. I just changed my number and got a 19 new phone maybe two weeks ago. 20 Q. And is your phone one that's 21 registered in your name with the cell phone 22 company or is it a phone that you've purchased 23 that's not registered in your name? For 24 example, you can purchase phones that have</p>

<p style="text-align: right;">Page 35</p> <p>1 minutes on them.</p> <p>2 A. I have a prepaid phone, so I'm not</p> <p>3 sure of what you're asking me, but I hope that</p> <p>4 answers the question.</p> <p>5 Q. So every time you get a new phone,</p> <p>6 you need to change your number?</p> <p>7 A. No. When I get a new phone, it's</p> <p>8 because I lost the phone or I broke a phone.</p> <p>9 So if I lose a phone, I get a new phone.</p> <p>10 Q. Okay. I think we're talking past</p> <p>11 each other. My question is -- or I might be</p> <p>12 wrong, but when you go --</p> <p>13 A. I'm sorry.</p> <p>14 Q. My understanding is when you go and</p> <p>15 you buy a phone that's not, you know, an AT&T,</p> <p>16 registered with a cell phone company, then</p> <p>17 you -- that there's a new number that's</p> <p>18 assigned to that phone. Is that not correct?</p> <p>19 A. Yes. I believe so, yes. I never</p> <p>20 kept the same number, because I had different</p> <p>21 phones.</p> <p>22 Q. Okay. So --</p> <p>23 A. But exactly -- I don't work for the</p> <p>24 cell phone company. I don't know exactly a</p>	<p style="text-align: right;">Page 37</p> <p>1 is it also in someone else's name?</p> <p>2 A. I'm not sure. When I purchased the</p> <p>3 phone, they don't ask for that type of</p> <p>4 information. So I don't know exactly who name</p> <p>5 the phone is in. They never asked me. It's</p> <p>6 not no stipulations to the phone. I just</p> <p>7 purchased the phone.</p> <p>8 Q. And it's an iPhone. What model</p> <p>9 iPhone?</p> <p>10 A. I'm not good with technology. I</p> <p>11 don't know. It's an iPhone. I'm not sure.</p> <p>12 Q. How much did it cost?</p> <p>13 A. I paid about 300, 400 for it.</p> <p>14 Q. And what happened to your last</p> <p>15 phone?</p> <p>16 A. I lost it.</p> <p>17 Q. How long did you have that phone</p> <p>18 for?</p> <p>19 A. I'm not sure.</p> <p>20 Q. Did you have it for longer than a</p> <p>21 month?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Can you remember if you had it for</p> <p>24 longer than six months?</p>
<p style="text-align: right;">Page 36</p> <p>1 hundred percent how it works.</p> <p>2 Q. What's your current phone number?</p> <p>3 A. My current phone number is -- I</p> <p>4 don't know. I will have to ask my wife. I</p> <p>5 just changed it. 215 something.</p> <p>6 Q. What was your last phone number?</p> <p>7 A. I don't know.</p> <p>8 Q. What's the last phone number that</p> <p>9 you remember having?</p> <p>10 A. I'm not sure. I'm not good with</p> <p>11 that.</p> <p>12 Q. What happened to your --</p> <p>13 A. I've changed my number. Since I've</p> <p>14 been released from prison, my number has</p> <p>15 changed at least 10 or 15 times.</p> <p>16 Q. What kind of phone is it that you</p> <p>17 have now?</p> <p>18 A. An iPhone.</p> <p>19 Q. And what's the carrier?</p> <p>20 A. I believe it's -- it's a prepaid</p> <p>21 phone. I think it's Simple Mobile or AT&T.</p> <p>22 It's one of them prepaid phones. I'm not</p> <p>23 exactly sure.</p> <p>24 Q. Is that phone in only your name or</p>	<p style="text-align: right;">Page 38</p> <p>1 A. No. I know I didn't.</p> <p>2 Q. At the time that you received this</p> <p>3 request for production, did you search the</p> <p>4 phone that you currently had?</p> <p>5 A. Whatever phone I had at that moment,</p> <p>6 that's the phone I searched.</p> <p>7 Q. And so how many phones would you --</p> <p>8 just roughly, how many phones would you</p> <p>9 estimate that you've had since being released</p> <p>10 from prison?</p> <p>11 A. I mean, this is just a guess. Maybe</p> <p>12 15, 20.</p> <p>13 Q. Fifteen, 20. And you lost all of</p> <p>14 those phones or did they break?</p> <p>15 A. I lost some, I broke some. My wife</p> <p>16 broke a couple.</p> <p>17 Q. The ones that were broke, did you</p> <p>18 save those or you threw them away?</p> <p>19 A. No. I got rid of them. There was</p> <p>20 no sense in me keeping a broke phone.</p> <p>21 Q. So do you have an e-mail address?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have more than one?</p> <p>24 A. I probably got 15 e-mail addresses.</p>

<p style="text-align: right;">Page 39</p> <p>1 Q. Oh, you have 15 e-mail addresses. 2 What are those? 3 A. I don't know. Every time I change 4 the phone -- only how I know how to get into 5 an e-mail is from the phone that I have at the 6 moment. So when I change my phone, a lot of 7 times I get locked out the e-mail. I'm not 8 real savvy with the e-mail system, so I would 9 have to set up a new one for the phone. 10 Q. What's your current e-mail address? 11 A. I'm not a hundred percent sure, 12 because I rarely use the e-mail. 13 Q. So you don't know how to retrieve 14 e-mails -- well, let me ask you this: Do you 15 have any Gmail accounts? 16 A. What's -- I don't understand. What 17 do you mean "Gmail"? 18 Q. Do you know if any of the e-mail 19 addresses ended at @Gmail.com? 20 A. I believe so. I mean, when -- I 21 don't know how to set up an e-mail. Monique 22 will set up the e-mail for me. So I would 23 really have to ask Monique what it is. 24 Q. So am I understanding you correctly</p>	<p style="text-align: right;">Page 41</p> <p>1 this information. Once I knew that I had to 2 give whatever information that y'all wanted, I 3 tried my best. I searched as much as I could. 4 When I came to a dead end, I called my wife, 5 told her that they want this information, can 6 you look through all my prior e-mails, can you 7 look through whatever you got to give them 8 everything they need. 9 I want to give them -- you know, I 10 want to be straightforward with y'all and give 11 y'all everything that y'all want, everything 12 y'all need. I didn't leave no stone unturned. 13 I did everything I could to provide all the 14 information that y'all wanted. 15 Q. And by everything you could, you 16 mean asked Monique? 17 MR. VAN NAARDEN: Objection. 18 THE WITNESS: No. I looked 19 through the phone that -- the device I 20 had. 21 BY MS. ROSENTHAL: 22 Q. You looked -- I thought -- do you 23 know how to look at e-mail on the device you 24 have?</p>
<p style="text-align: right;">Page 40</p> <p>1 that you did not search e-mail in response to 2 these document requests? 3 A. No. That's not true at all. 4 Q. Okay. What e-mail did you search? 5 A. Every e-mail that I have, but my 6 source of searching the e-mail is telling 7 Monique, they want this information, Monique. 8 Can you go and search the e-mails and give 9 them whatever they need. 10 Q. I'm sorry. I thought I understood 11 that you had a different e-mail account 12 associated with every different phone? 13 A. I do. 14 Q. So how would she be able to search 15 e-mails that are only on phones that are 16 broken and lost? 17 A. Well, Monique sets it up, so if she 18 knows the passcode or whatever. And then 19 sometimes she'd say that she could do 20 something to try to get in there. If she 21 can't get in, she can't get in, but she tried 22 to get into every e-mail that she remembered I 23 had, and I went from there. 24 I relied on Monique to come up with</p>	<p style="text-align: right;">Page 42</p> <p>1 A. Yeah. I'm not savvy with it, but I 2 got with Monique. She went through the phone, 3 me and her went together. 4 Q. And does Monique know the passwords 5 and user names for your 15 to 20 e-mail 6 accounts? 7 A. I can't tell you what Monique knows, 8 but Monique is more savvy with the e-mail 9 system than I am. She sets it up for me, and 10 I rely on her. As far as which e-mail what 11 she remembers, I can't tell you that. I'm 12 sorry. I apologize. 13 Q. If you don't have a computer -- 14 well, let me show you a document that I'm 15 going to mark as Outlaw Exhibit-3. 16 MR. VAN NAARDEN: 3 are these 17 Interrogatories. 18 MS. ROSENTHAL: Outlaw 19 Exhibit-4. 20 - - - 21 (Exhibit Outlaw-4 marked for 22 identification by counsel.) 23 - - - 24 BY MS. ROSENTHAL:</p>

<p style="text-align: right;">Page 43</p> <p>1 Q. This is a copy of a 2021 tax return 2 pertaining to you that was produced to us in 3 this litigation. 4 Did you prepare this tax return 5 yourself? 6 A. I mean, unfortunately, I spent most 7 of my life in jail. I don't know how to 8 prepare taxes. I don't know how to do a lot 9 of things. Like I'm naive, and I don't really 10 know how to do a lot of things and I rely on 11 Monique. 12 Q. I would strike everything in your 13 response as non-responsive other than you 14 don't know how to prepare a tax return, which 15 I take to mean you didn't prepare yourself. 16 I'd like to turn your attention to 17 the second page of the -- the second page of 18 the tax return. 19 I apologize. Do you have the 2020 20 or 2021 tax return? 2021. 21 I'd like to turn your attention to 22 the second page. Do you see at the bottom of 23 the page where it says "self-prepared"? 24 A. Yes, I see that.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. No. 2 Q. So it's your testimony that your 3 wife prepared the tax return, wrote that it 4 was self-prepared, and either submitted it 5 without your signature or with a forged 6 signature? 7 A. It's my testimony that I gave my 8 wife consent to file my taxes on my behalf. 9 She's my wife. She has power of attorney. So 10 that's my testimony today, that I gave my wife 11 consent to file my taxes for me, that I told 12 her to file my taxes for me. 13 I've given Monique power of attorney 14 on my behalf. If anything happens to me, she 15 can act as me, so... 16 Q. You have a power of attorney 17 agreement with Monique? 18 A. Yes, I do. 19 Q. And what does that cover 20 specifically? 21 A. I mean, I'm not a hundred percent 22 sure, but just from my understanding, that 23 Monique can make decisions on my behalf. 24 Q. About anything, any legal matter she</p>
<p style="text-align: right;">Page 44</p> <p>1 Q. Was it your testimony that you did 2 not prepare this tax return yourself? 3 A. Yes. That's my testimony exactly. 4 I did not prepare this myself. I don't know 5 how to do that. I'm not a tax expert. I 6 spent most of my life in prison. I do not 7 know how to do taxes. 8 Q. Well, why would you submit a tax 9 return then that said that it was 10 self-prepared? 11 A. I allow my wife to prepare it for 12 me. I didn't know exactly what was on none of 13 this stuff. I don't know how to do this. So 14 I can't accurately give you an honest question 15 about why would I do anything on this paper, 16 because I didn't do it. 17 Q. Did you -- 18 A. My wife did it. 19 Q. Did you see the tax return before it 20 was submitted? 21 A. No. 22 Q. Did she consult you about it? 23 A. She just told me she filed my taxes. 24 Q. Did you ever sign the tax return?</p>	<p style="text-align: right;">Page 46</p> <p>1 has power of attorney over you? 2 A. I can't give you that response. I 3 don't know. I just know she has power of 4 attorney, and whatever that means, that's what 5 it means. 6 Q. Did you sign a power of attorney 7 form? 8 A. Yes. 9 Q. When was that? 10 A. I'm not a hundred percent sure. 11 Sometime throughout my incarceration. 12 Q. Did Monique ever consult you about 13 the tax return when she was preparing this? 14 A. She asked me questions about my W-2, 15 where it was at and things of that nature, 16 but... 17 Q. Did you have a W-2 from 2021? 18 A. I don't know. Whatever got sent to 19 the house. I told her to check the mail. 20 Q. She asked you about the W-2 and you 21 told her to check the mail? 22 A. Listen, I don't know. You're asking 23 me did Monique confer with me about my taxes. 24 I can't tell you exactly what was the</p>

<p style="text-align: right;">Page 47</p> <p>1 conversation me and her had, but when it came</p> <p>2 time for my W-2 form, I told her, you know, I</p> <p>3 was waiting on it from the mail, that she had</p> <p>4 to check for it in the mail, but...</p> <p>5 Q. Go to the first page of the tax</p> <p>6 return. Do you see that the address listed,</p> <p>7 91 North York Road, Willow Grove?</p> <p>8 A. Yes, I see that.</p> <p>9 Q. Is that an address that you've lived</p> <p>10 at?</p> <p>11 A. That's an address that is an</p> <p>12 apartment that I frequent, but I didn't a</p> <p>13 hundred percent live there.</p> <p>14 Q. What do you mean it's an apartment</p> <p>15 that you frequent?</p> <p>16 A. It's an apartment that I frequent,</p> <p>17 that I had, and I will go back and forth from</p> <p>18 my house to there.</p> <p>19 Q. During what time period?</p> <p>20 A. I had the apartment for about a</p> <p>21 little over a year.</p> <p>22 Q. From when to when?</p> <p>23 A. I can't give you that. I don't</p> <p>24 know.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Who was that?</p> <p>2 A. A girl named Zakia.</p> <p>3 Q. Last name?</p> <p>4 A. I don't know Zakia's last name</p> <p>5 offhand.</p> <p>6 Q. Were you at any point married to</p> <p>7 Zakia?</p> <p>8 A. Legally, no.</p> <p>9 Q. What about non-legally?</p> <p>10 MR. VAN NAARDEN: Objection.</p> <p>11 I'll let you answer.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. Did you consider her to be your</p> <p>14 wife?</p> <p>15 A. I'm not sure if you have any</p> <p>16 knowledge of the Islamic faith, but legally in</p> <p>17 Pennsylvania I am married to Monique and only</p> <p>18 Monique. Me and Zakia had a relationship, and</p> <p>19 at one point we had a religious ceremony</p> <p>20 Islamically, and I guess you would consider it</p> <p>21 like religiously married.</p> <p>22 Q. Did you have a child with her?</p> <p>23 A. Yes, I did.</p> <p>24 Q. So you religiously married this</p>
<p style="text-align: right;">Page 48</p> <p>1 Q. Well, when did you last have it?</p> <p>2 A. I think -- what year is this?</p> <p>3 Q. 2022.</p> <p>4 A. So probably like March of '22,</p> <p>5 somewhere around there.</p> <p>6 Q. Okay. And --</p> <p>7 A. But I wasn't living there. I live</p> <p>8 with Monique at 241 Cambridge Road.</p> <p>9 Q. And you said it's an apartment that</p> <p>10 you frequent. Do you pay rent for the</p> <p>11 apartment?</p> <p>12 A. I no longer have the apartment.</p> <p>13 Q. When you had the apartment, did you</p> <p>14 pay rent or did you own the apartment?</p> <p>15 A. I paid rent.</p> <p>16 Q. Who did you pay rent to?</p> <p>17 A. Whatever company it was.</p> <p>18 Q. So you had a lease for the</p> <p>19 apartment?</p> <p>20 A. Yes.</p> <p>21 Q. And was there any other individuals</p> <p>22 who were living with you there or frequenting</p> <p>23 the apartment with you there?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 50</p> <p>1 woman, had a child with her, but you don't</p> <p>2 know her last name; is that your testimony?</p> <p>3 A. I mean, offhand like, yeah, that's</p> <p>4 my testimony, but like I don't just run around</p> <p>5 just knowing everybody's last name, her last</p> <p>6 name or something.</p> <p>7 Q. Well, it doesn't sound like she's</p> <p>8 everybody. It sounds like she's the mother of</p> <p>9 your child.</p> <p>10 A. Yeah, exactly.</p> <p>11 Q. Do you know why Monique would put</p> <p>12 this other address on your tax return?</p> <p>13 A. You would have to ask Monique that.</p> <p>14 You're asking me why Monique made decisions.</p> <p>15 I can't tell you why Monique did anything.</p> <p>16 Q. I want to turn your attention to the</p> <p>17 last page of the document. Do you see that --</p> <p>18 MR. VAN NAARDEN: What Bate</p> <p>19 number is it?</p> <p>20 MS. ROSENTHAL: PLAINTIFF00611.</p> <p>21 MR. VAN NAARDEN: Okay.</p> <p>22 BY MS. ROSENTHAL:</p> <p>23 Q. Do you see how at the top it says,</p> <p>24 "Complete Part III for each student for whom</p>

<p style="text-align: right;">Page 51</p> <p>1 you're claiming either the American 2 opportunity credit or lifetime learning 3 credit," and then there's some information 4 filled out under Student and Educational 5 Institution Information? Do you see that on 6 the last page? 7 A. On this page? 8 Q. Yep. 9 A. Right here? 10 Q. Yep. 11 A. You're talking about line where it 12 says 22? 13 Q. Do you see that this page appears to 14 contain information for individuals who are 15 claiming a tax credit as a result of being a 16 student at an educational institution? 17 A. Yes. I see that on here. 18 Q. Do you see that Delaware County 19 Community College is listed as the name of the 20 educational institution that Donald Outlaw is 21 attending? 22 A. Yes, I see that. 23 Q. Have you attended Delaware County 24 Community College?</p>	<p style="text-align: right;">Page 53</p> <p>1 I'm sorry. 2 Q. Mr. Outlaw, if you could just listen 3 carefully to my questions, I think it would go 4 smoother. My question is, did you have any 5 knowledge that Monique was claiming a tax 6 credit for you having attended or that you 7 were attending Delaware County Community 8 College? 9 A. I'm sorry. What's your name? 10 Q. My name? 11 A. Yes. 12 Q. Danielle Rosenthal. 13 A. I'm sorry, Danielle. I'm answering 14 the questions to the best of my ability. I'm 15 not sure exactly what you're looking for, but 16 I didn't prepare the document. I don't know 17 what you want me to say. I'm sorry. But I 18 don't know. 19 Q. My question is, did you have 20 knowledge of her having filled out the form 21 this way and claiming a tax credit for you? 22 My question is not what her intent was or what 23 knowledge she had. 24 A. I didn't know exactly a hundred</p>
<p style="text-align: right;">Page 52</p> <p>1 A. Me and Monique had conversations 2 about me going back to school going to 3 Delaware County. I actually spoke with 4 somebody about it, but I didn't fully pursue 5 it all the way. 6 Q. So you never enrolled in Delaware 7 County Community College? 8 A. No, I did not. 9 Q. But did you have any knowledge that 10 Monique was claiming a tax credit for you 11 having enrolled in Community College? 12 A. You would have to ask Monique about 13 anything on this paper. I just gave Monique 14 permission to file it. So Monique could have 15 been under the impression I enrolled or 16 whatever the case may be, but -- 17 Q. I would like -- 18 A. -- but you're asking me about a 19 document that I did not prepare, and I can't 20 really give you the information that you're 21 looking for, because I didn't prepare this 22 document. So I apologize. I'm trying to 23 answer the questions to the best of my 24 ability, but I didn't prepare the document.</p>	<p style="text-align: right;">Page 54</p> <p>1 percent what she put on this form. All I know 2 is Monique is my wife. She does a lot of 3 my -- a lot of things for me. She sends my 4 e-mails. She washes my clothes. She prepares 5 my meals. She -- I rely on Monique for a lot 6 of things, and I relied on Monique to file my 7 taxes, and I didn't second guess, you know, 8 her filing my taxes. 9 I didn't -- no, we didn't go through 10 this and, you know, we didn't go over it with 11 everything she put on there. So I can't 12 answer the question the way you want me to. 13 I'm sorry. 14 Q. Before today are you aware that a 15 tax credit was -- an educational tax credit 16 was claimed for you in 2021 on your tax 17 returns? 18 A. I'm sorry. I gave the best answer I 19 can give you. Before today I knew Monique 20 filed my taxes for me. I knew before this 21 that Monique made some mistakes, got with a 22 tax expert, and we have an expert amending our 23 taxes right now as we speak. 24 MR. VAN NAARDEN: Danielle, I</p>

<p>Page 55</p> <p>1 just -- I have to -- it's 11:50. I have</p> <p>2 a 12 o'clock hearing.</p> <p>3 MS. ROSENTHAL: Okay. Can</p> <p>4 we --</p> <p>5 MR. VAN NAARDEN: My only</p> <p>6 concern is that with the WiFi, I just</p> <p>7 want an extra ten minutes to make sure I</p> <p>8 can get a hotspot.</p> <p>9 MS. ROSENTHAL: Of course.</p> <p>10 What's the -- is the conference room, is</p> <p>11 it the one downstairs?</p> <p>12 MR. VAN NAARDEN: Guys, I</p> <p>13 can -- go off the record and talk.</p> <p>14 MS. ROSENTHAL: Oh, sorry.</p> <p>15 VIDEO TECHNICIAN: We're now</p> <p>16 going off record. The time is 11:50 a.m.</p> <p>17 - - -</p> <p>18 (Discussion held off the</p> <p>19 record.</p> <p>20 (Luncheon recess.)</p> <p>21 - - -</p> <p>22 VIDEO TECHNICIAN: We're now</p> <p>23 back on record. The time is 1:02 p.m.</p> <p>24 BY MS. ROSENTHAL:</p>	<p>Page 57</p> <p>1 type of assistance.</p> <p>2 Q. Well, I'm asking, did you receive at</p> <p>3 least \$20,000 in loan money from the federal</p> <p>4 government?</p> <p>5 A. Yes.</p> <p>6 Q. And is it your testimony you have no</p> <p>7 knowledge about what, if any, taxes were paid</p> <p>8 on that money or reported to the federal</p> <p>9 government under tax returns?</p> <p>10 A. Yeah. I really don't know, because</p> <p>11 I didn't actually file the taxes myself. I'm</p> <p>12 not a tax expert, and I rely mainly on my wife</p> <p>13 to file taxes. So before I could give you</p> <p>14 like an accurate answer, I would have to speak</p> <p>15 with Monique about it.</p> <p>16 Q. Do you have any recollection of</p> <p>17 signing any tax return - federal, state, or</p> <p>18 local - at any point in your lifetime?</p> <p>19 A. Can you ask me that question again?</p> <p>20 I'm sorry.</p> <p>21 Q. Do you have any recollection of</p> <p>22 signing any state, federal, or local tax</p> <p>23 return at any point in your lifetime?</p> <p>24 A. I don't remember.</p>
<p>Page 56</p> <p>1 Q. Mr. Outlaw, before you went on the</p> <p>2 break, you were talking about your 2021</p> <p>3 federal tax return. To your knowledge, have</p> <p>4 any other federal tax returns been filed by</p> <p>5 you or on your behalf in the course of your</p> <p>6 lifetime?</p> <p>7 A. I don't know.</p> <p>8 Q. There weren't any state or local tax</p> <p>9 returns produced in this litigation. Have you</p> <p>10 paid state or local taxes?</p> <p>11 A. I don't know. I get Monique to do</p> <p>12 my taxes. So I don't know exactly how the</p> <p>13 whole tax thing work. I'm really like -- I</p> <p>14 really don't have an understanding of it. I</p> <p>15 just rely on Monique to file it. So I don't</p> <p>16 know.</p> <p>17 Q. Well, isn't it the case that after</p> <p>18 you were released from prison, you obtained a</p> <p>19 loan from the federal government for</p> <p>20 Coronavirus stimulus relief for over \$20,000?</p> <p>21 A. I obtained some type of loan that</p> <p>22 had to do with the business and -- yeah. That</p> <p>23 had some truth to it. I don't know exactly</p> <p>24 what you're asking me, but I received some</p>	<p>Page 58</p> <p>1 Q. The stimulus relief that you</p> <p>2 received from the federal government, did you</p> <p>3 prepare those papers by yourself?</p> <p>4 A. No, I didn't. I don't really know</p> <p>5 how to do that kind of stuff.</p> <p>6 Q. Who did?</p> <p>7 A. It was a guy that I know. He helped</p> <p>8 me out.</p> <p>9 Q. Was the loan in your name?</p> <p>10 A. Yes.</p> <p>11 Q. Did you sign the papers?</p> <p>12 A. Yeah, I'm pretty sure I did.</p> <p>13 Q. Do you have the papers?</p> <p>14 A. No, I don't.</p> <p>15 Q. What?</p> <p>16 A. No, I do not.</p> <p>17 Q. What happened to them?</p> <p>18 A. I'm not sure. I would have to ask</p> <p>19 my wife. All the important stuff my wife has.</p> <p>20 But it wasn't on paper. It was like through</p> <p>21 using the phone where there's like -- you do</p> <p>22 it like that. I guess like a DocuSign or</p> <p>23 something like that. But it wasn't like -- I</p> <p>24 never had a hard copy. The application wasn't</p>

<p style="text-align: right;">Page 59</p> <p>1 a hard copy.</p> <p>2 Q. So you did it through your phone?</p> <p>3 A. Yes.</p> <p>4 Q. Well, in answering this request for</p> <p>5 production of documents, did you ask your wife</p> <p>6 any of these questions about whether she had</p> <p>7 these other tax returns or documents related</p> <p>8 to any loans or income?</p> <p>9 A. Yes. I asked my wife for -- me and</p> <p>10 her went over the paperwork that was</p> <p>11 requested. I told her I needed all the</p> <p>12 information on there, I need it to be</p> <p>13 produced.</p> <p>14 Q. Did you ask her, do we have any --</p> <p>15 were any state or local tax returns filed for</p> <p>16 me?</p> <p>17 A. I really don't know the difference</p> <p>18 to even ask her that. I just asked her what I</p> <p>19 know, the tax returns. I really don't know</p> <p>20 the difference between state, local, whatever,</p> <p>21 federal. I don't know how that work. So for</p> <p>22 me to ask her about multiple forms of taxes, I</p> <p>23 don't think I asked her that, because I'm</p> <p>24 really not aware of exactly how does it work</p>	<p style="text-align: right;">Page 61</p> <p>1 A. I don't know if I said that. I'm</p> <p>2 not sure if I --</p> <p>3 Q. Okay. Did you have any hard copy</p> <p>4 documents responsive?</p> <p>5 A. Did I have any hard -- what? Of</p> <p>6 this?</p> <p>7 Q. Did you have any documents that were</p> <p>8 printed out -- that's what I mean by "hard</p> <p>9 copy" -- that were responsive to those</p> <p>10 requests for production?</p> <p>11 A. So you're saying that what you</p> <p>12 requested from the paperwork, was anything</p> <p>13 hard copy that I handed over?</p> <p>14 Q. I'm asking -- the request asked for</p> <p>15 documents regardless of whether they were hard</p> <p>16 copy or not. I'm asking whether you had any</p> <p>17 hard copy documents that were responsive.</p> <p>18 A. I'm not exactly sure. All I know is</p> <p>19 that I got with my wife and I produced</p> <p>20 everything that I could produce. I didn't</p> <p>21 comb through everything with a fine tooth and</p> <p>22 nail.</p> <p>23 Monique is my go-to person for a lot</p> <p>24 of things and, you know, I trust her with my</p>
<p style="text-align: right;">Page 60</p> <p>1 with the filing or the difference. I thought</p> <p>2 it was just one thing.</p> <p>3 Q. Well, have you taken any steps to</p> <p>4 educate yourself now that you're earning</p> <p>5 money?</p> <p>6 A. No. I'm married. You know, where I</p> <p>7 fall short, she pick up. I never felt the</p> <p>8 need to, you know, looking to be a tax expert,</p> <p>9 because, you know, I rely on my wife with the</p> <p>10 taxes.</p> <p>11 Q. Well, you filed the tax return as a</p> <p>12 single person, didn't you?</p> <p>13 MR. VAN NAARDEN: Objection.</p> <p>14 THE WITNESS: I didn't file</p> <p>15 anything. I relied on my wife to do it.</p> <p>16 BY MS. ROSENTHAL:</p> <p>17 Q. You said that you didn't have any</p> <p>18 hard copy documents related -- responsive to</p> <p>19 the subpoena in your house?</p> <p>20 A. Huh?</p> <p>21 Q. Am I correct that you testified</p> <p>22 earlier that you didn't have any hard copy</p> <p>23 documents that were responsive, sorry, to the</p> <p>24 request for production?</p>	<p style="text-align: right;">Page 62</p> <p>1 life. So when I told Monique what was going</p> <p>2 on and what I needed and so forth and so on, I</p> <p>3 relied on Monique to hunt down most of the</p> <p>4 documents. We went over it and so forth and</p> <p>5 so on, and I produced it to the best of my</p> <p>6 ability. I looked high and low for everything</p> <p>7 you asked for and I tried to produce it.</p> <p>8 Q. Well, what do you mean by you</p> <p>9 "looked high and low," other than asking</p> <p>10 Monique?</p> <p>11 A. That's high and low for me. I went</p> <p>12 through my phone, and everything else I rely</p> <p>13 on Monique. So I didn't know of no other</p> <p>14 means of trying to find the documents that you</p> <p>15 were looking for.</p> <p>16 Q. Are you aware of the fact that since</p> <p>17 being served with this request for production</p> <p>18 if additional documents come into your</p> <p>19 possession; for example, if you have text</p> <p>20 messages with any of the individuals who are</p> <p>21 listed, you have an obligation now to turn</p> <p>22 those over?</p> <p>23 A. Yes, I'm aware of that.</p> <p>24 Q. Okay. So since you received the</p>

<p style="text-align: right;">Page 63</p> <p>1 request, have you had any communications with 2 Christopher Holder?</p> <p>3 A. I may have talked to Chris over the 4 phone on several occasions, but anything that 5 I can produce, no. I don't text him. Chris 6 is incarcerated.</p> <p>7 Q. Well, the subpoena -- or sorry. The 8 request for production asks for any 9 communications that you had with him directly 10 or indirectly. Do you understand what's meant 11 by that?</p> <p>12 A. Yeah, but I wouldn't know how to 13 produce a phone conversation.</p> <p>14 Q. Okay. But a text message 15 conversation indirectly with him; for example, 16 if you used an intermediary to speak with him, 17 would you understand that to be responsive to 18 this request for production?</p> <p>19 A. Yes, I will understand that.</p> <p>20 Q. Is it correct that you had a large 21 number of hard copy documents related to your 22 criminal proceedings while you were 23 incarcerated?</p> <p>24 A. Yes. That's absolutely correct. I</p>	<p style="text-align: right;">Page 65</p> <p>1 case?</p> <p>2 A. Well, recently when we was asked to 3 produced the documents pertaining to my case 4 and so forth and so on, I asked Monique where 5 the box was at that had all my stuff in there, 6 and she told me that she no longer had it.</p> <p>7 Q. Did she tell you what she did with 8 it?</p> <p>9 A. She didn't get into depth. She just 10 said she didn't have it no more, she got rid 11 of it. I asked her, you know, why she do 12 that. She was like, you know, I thought your 13 case was over. I thought we was done with the 14 case. She didn't feel the need to keep it, 15 and I didn't argue with her judgment.</p> <p>16 Q. When is it exactly that she got rid 17 of it?</p> <p>18 A. I can't tell you exactly when 19 Monique got rid of it. I'm not sure. I don't 20 know.</p> <p>21 Q. Is it correct that you also intended 22 to destroy documents after your release from 23 prison?</p> <p>24 MR. VAN NAARDEN: Objection.</p>
<p style="text-align: right;">Page 64</p> <p>1 had a whole lot of paperwork.</p> <p>2 Q. And what happened to that paperwork?</p> <p>3 A. When I was released from prison, I 4 was released from Curran-Fromhold Correctional 5 Facility. All my property was at SCI Dallas. 6 When I was released, I went to court from SCI 7 Dallas and I was transferred to 8 Curran-Fromhold Correctional Facility. I 9 didn't know I was being released at the time I 10 was being released, so all my property stayed 11 up SCI Dallas. I went home. All my property 12 stayed up there.</p> <p>13 Q. And is it true that Monique also had 14 a large quantity of documents?</p> <p>15 A. Yes. Monique -- a lot of times I 16 would send whatever home to make sure Monique 17 had copies of it and, you know, she was like 18 my security of, you know, if I lost anything 19 or anything of that nature, I will give it to 20 Monique.</p> <p>21 Q. So what happened --</p> <p>22 A. Or I mailed it to Monique.</p> <p>23 Q. So what happened to all the 24 documents that Monique had related to the</p>	<p style="text-align: right;">Page 66</p> <p>1 BY MS. ROSENTHAL:</p> <p>2 Q. Sorry. You can answer the question.</p> <p>3 A. Can you repeat the question 4 because --</p> <p>5 MS. ROSENTHAL: Can the court 6 reporter read it.</p> <p>7 THE WITNESS: -- there was an 8 objection where --</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. So there's two types of objections 11 in depositions. One type is an objection 12 where you can still answer.</p> <p>13 A. Yeah. I understand that. I'm just 14 saying when he objected, it kind of threw me 15 through a loop.</p> <p>16 Q. Sure.</p> <p>17 A. So I'm asking can you ask the 18 question again, please. I'm sorry.</p> <p>19 MS. ROSENTHAL: Can you read... 20 - - - 21 (Court Reporter read back the 22 pending question.) 23 - - - 24 THE WITNESS: I wouldn't say</p>

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<p>1 that I intended to destroy documents or</p> <p>2 anything of that nature, but I just</p> <p>3 wanted -- when I was released, I wanted</p> <p>4 to be done with the case. I didn't want</p> <p>5 to keep thinking about it.</p> <p>6 It brings me anxiety when, you</p> <p>7 know, I look at certain paperworks and so</p> <p>8 forth and so on. So I didn't intend on</p> <p>9 having memorabilia of my life sentence.</p> <p>10 So, no, I didn't intend to keep it</p> <p>11 forever. No, I didn't.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. Well, you had plans to bring a civil</p> <p>14 lawsuit at that point; did you not?</p> <p>15 A. Initially when I was released from</p> <p>16 prison, my main goal was to be exonerated, and</p> <p>17 that's what I was focused on. Once I got</p> <p>18 exonerated, I felt as though that somebody</p> <p>19 needed to be held accountable for me being</p> <p>20 convicted for this crime I didn't commit.</p> <p>21 Q. My question is a little different.</p> <p>22 My question was whether, regardless of what</p> <p>23 your main goal was, you had plans or were</p> <p>24 aware of the likelihood of bringing civil</p>	<p>1 happy that I was done wrong by the</p> <p>2 system, no. I want these detectives to</p> <p>3 be held accountable and the City for what</p> <p>4 they did to me.</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. My question is whether you</p> <p>7 understood that you had an obligation to</p> <p>8 retain documents that were relevant to</p> <p>9 litigation if you intended to bring it at the</p> <p>10 time.</p> <p>11 MR. VAN NAARDEN: Objection.</p> <p>12 THE WITNESS: Excuse me?</p> <p>13 Because that wasn't the last question.</p> <p>14 What was the last question? I'm sorry.</p> <p>15 I'm confused a little bit.</p> <p>16 BY MS. ROSENTHAL:</p> <p>17 Q. That's my current question.</p> <p>18 MS. ROSENTHAL: Can you read it</p> <p>19 back.</p> <p>20 - - -</p> <p>21 (Court Reporter read back the</p> <p>22 pending question.)</p> <p>23 - - -</p> <p>24 THE WITNESS: No. I recently</p>
Page 68	Page 70
<p>1 litigation at the time that you were released</p> <p>2 from prison; is that correct?</p> <p>3 MR. VAN NAARDEN: Objection.</p> <p>4 THE WITNESS: Can you repeat</p> <p>5 the question, please.</p> <p>6 MS. ROSENTHAL: Sure. Can the</p> <p>7 court reporter...</p> <p>8 - - -</p> <p>9 (Court Reporter read back the</p> <p>10 pending question.)</p> <p>11 - - -</p> <p>12 THE WITNESS: My answer to that</p> <p>13 question is, I suffered for a long time.</p> <p>14 Like I went through a lot with serving a</p> <p>15 life sentence for a crime I didn't</p> <p>16 commit, and, yes, when I was released</p> <p>17 from prison, I wanted somebody to be held</p> <p>18 accountable, and with the judicial</p> <p>19 system, I don't feel like there's no</p> <p>20 accountability for anyone when it comes</p> <p>21 to somebody being wrongfully charged or</p> <p>22 wrongfully convicted of a crime.</p> <p>23 So if your question is did I</p> <p>24 just want to just kick my feet up and be</p>	<p>1 when I seen whatever paperwork it was</p> <p>2 from my attorney that was requesting a</p> <p>3 bunch of different -- all these</p> <p>4 communications, the paperwork and so</p> <p>5 forth and so on, at that moment that's</p> <p>6 when I realized I had an obligation to</p> <p>7 overturn whatever it is that y'all</p> <p>8 wanted. But I don't know about civil</p> <p>9 litigations to have that understanding of</p> <p>10 what I supposed and not supposed to have.</p> <p>11 BY MS. ROSENTHAL:</p> <p>12 Q. Did you ever have a conversation</p> <p>13 with anyone when you were in prison about your</p> <p>14 desire to burn your documents when you left?</p> <p>15 A. I'm not sure. I don't know.</p> <p>16 Q. Okay. I'm going to play a prison</p> <p>17 call.</p> <p>18 MR. VAN NAARDEN: Marking this</p> <p>19 as an exhibit?</p> <p>20 MS. ROSENTHAL: Yes. Hold on.</p> <p>21 Hopefully it cooperates.</p> <p>22 I apologize. Bear with me.</p> <p>23 What exhibit number are we up</p> <p>24 to?</p>

<p style="text-align: right;">Page 71</p> <p>1 COURT REPORTER: 5.</p> <p>2 BY MS. ROSENTHAL:</p> <p>3 Q. Sorry. While I bring that up, did</p> <p>4 you instruct Monique at any time to retain</p> <p>5 documents she had related to the case for</p> <p>6 purposes of civil litigation?</p> <p>7 A. Can you repeat the question? I'm</p> <p>8 not understanding what you saying.</p> <p>9 Q. Did you instruct Monique at any time</p> <p>10 that the documents she had in her possession</p> <p>11 that she obtained pursuant to the power of</p> <p>12 attorney that you gave her should be retained</p> <p>13 because you intended to bring a lawsuit</p> <p>14 against the City?</p> <p>15 A. I'm not sure exactly what you're</p> <p>16 saying, but -- so you're saying that did I</p> <p>17 tell Monique to get certain documents solely</p> <p>18 for the purpose of suing the City?</p> <p>19 Q. No. Did you tell her to keep the</p> <p>20 documents because you would be engaging in a</p> <p>21 lawsuit?</p> <p>22 A. I'm not sure. You know, I told</p> <p>23 Monique a lot of things over the years, but --</p> <p>24 I don't know. I can't, you know, answer that</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Yes, I know Charles Paladino.</p> <p>2 Q. Did you know Eric Lee?</p> <p>3 A. No. I didn't know Eric Lee</p> <p>4 personally. I just knew who he was. I know</p> <p>5 he was -- he used to hang with Paladino. They</p> <p>6 would fix cars and, from my knowledge, get</p> <p>7 high together.</p> <p>8 Q. What about Katima Jackson?</p> <p>9 A. I knew who Katima Jackson was from</p> <p>10 the neighborhood. She's a little older than</p> <p>11 me, but I didn't like know her personally, but</p> <p>12 I knew who she was. I knew of her.</p> <p>13 Q. Where were you at the time of the</p> <p>14 murder?</p> <p>15 A. At the time of the murder --</p> <p>16 Q. I apologize. Let me rephrase that.</p> <p>17 Where were you at the time that</p> <p>18 Jamal Kelly was shot, as he did not die right</p> <p>19 away?</p> <p>20 A. I honestly don't know. It didn't</p> <p>21 really have no significance with me for me to</p> <p>22 remember. I don't know where I was at. I</p> <p>23 just know I wasn't there.</p> <p>24 I was arrested three years after the</p>
<p style="text-align: right;">Page 72</p> <p>1 question intelligently, but for the most part,</p> <p>2 my intent was to be released from prison and</p> <p>3 hold people accountable for what they did for</p> <p>4 me -- to me, I mean. I mean, I just wasn't</p> <p>5 content with serving the time for a crime I</p> <p>6 didn't commit.</p> <p>7 Q. Okay. Since we continue to have</p> <p>8 issues with the audio, let's move on to -- I'm</p> <p>9 going to bring you back to the day of Jamal</p> <p>10 Kelly's murder in September of 2000.</p> <p>11 At the time, did you know Jamal</p> <p>12 Kelly? Had you ever met him?</p> <p>13 A. No. I never met Jamal personally.</p> <p>14 Q. Did you know who he was?</p> <p>15 A. I knew who he was from the</p> <p>16 neighborhood, but I didn't know him</p> <p>17 personally.</p> <p>18 Q. What did you know about him?</p> <p>19 A. I just knew he lived on the same</p> <p>20 block as Jabril or in the vicinity of one of</p> <p>21 my friends named Jabril.</p> <p>22 Q. Did you know Lamar Rodgers?</p> <p>23 A. Yes, I know Lamar Rodgers.</p> <p>24 Q. Did you know Charles Paladino?</p>	<p style="text-align: right;">Page 74</p> <p>1 murder, and nothing stood out before that date</p> <p>2 for me to remember exact time or, you know,</p> <p>3 exactly where I was at.</p> <p>4 Q. Well, do you remember asserting in</p> <p>5 legal filings in submitting your affidavit</p> <p>6 that you were on house arrest at the time?</p> <p>7 A. Yes.</p> <p>8 Q. And was that accurate?</p> <p>9 A. Yes. It's around or about accurate,</p> <p>10 but my aunt stated that -- she was telling me</p> <p>11 like she remembered that it was Labor Day</p> <p>12 weekend, that I was in the house, and that,</p> <p>13 you know, she was adamant about it.</p> <p>14 But my personal recollection of the</p> <p>15 day, I don't remember too much about that day.</p> <p>16 Nothing stood out to me, but when I told my</p> <p>17 aunt about the case and what I was locked up</p> <p>18 for, so forth and so on, she was like, that</p> <p>19 was Labor Day weekend, you were on house</p> <p>20 arrest, you were in the house. But me</p> <p>21 personally, nothing stood out about that day</p> <p>22 where I remember timeframe or where I was at</p> <p>23 or -- I really don't remember.</p> <p>24 Q. Do you -- did you ever have</p>

<p style="text-align: right;">Page 75</p> <p>1 electronic monitoring, like an ankle bracelet 2 as a juvenile? 3 A. Yes. 4 Q. And do you know if you had it during 5 that time period? 6 A. I believe I may have been on house 7 arrest, yes. 8 Q. Did you make any efforts to obtain 9 records to establish that you were on house 10 arrest? 11 A. Yes. I made a lot of efforts. 12 Q. And are you aware that juvenile 13 records that you've produced show that you had 14 weeks earlier absconded and a bench warrant 15 was issued for your arrest and then you 16 surrendered several weeks after the Jamal 17 Kelly murder? 18 A. Yes. I looked at the juvenile 19 records, but I'm not -- I don't have it in 20 front of me to tell you exactly dates of how 21 exactly it worked. 22 Q. But you remember seeing that you 23 were AWOL on the date of the Jamal Kelly 24 murder?</p>	<p style="text-align: right;">Page 77</p> <p>1 what I was locked up for, and my aunt, she was 2 adamant that I was in the house, that we had a 3 cookout, it was Labor Day weekend and so forth 4 and so on. 5 But from my recollection, I don't 6 remember too much about that day. It's 7 nothing that stood out to me about the day for 8 me to remember where I was at, what time and 9 so forth and so on. Nothing stood out to me 10 where I was forced to remember that day. 11 Q. So would it be fair to say then that 12 you don't have an alibi as to where you were 13 at the time of the murder? 14 MR. VAN NAARDEN: Objection. 15 THE WITNESS: It would be fair 16 to say that other people could place me 17 somewhere else, but as far as my 18 recollection, no. My recollection, I 19 can't give an alibi, but other people can 20 place me in the house. But as far as me, 21 I don't remember. 22 BY MS. ROSENTHAL: 23 Q. Well, did your aunt place you in the 24 house or did she just say that you are on</p>
<p style="text-align: right;">Page 76</p> <p>1 A. No, I don't remember seeing that. 2 Q. Do you remember seeing that you had 3 absconded and you had not surrendered on the 4 date of the Jamal Kelly murder? 5 A. I mean, it's like kind of vague to 6 me. It's over 20 years ago, so you asking me 7 to remember some documents from over 20 years 8 ago. It's hard for me to do that, but I know 9 for sure with certainty that I was not at that 10 place at that time when Jamal was shot or 11 murdered. 12 Q. Well, it might be hard for you to 13 remember 20 years later, but what about at the 14 time you were charged with the murder; did you 15 then remember where you were at the time? 16 A. I was charged three years after the 17 murder. I don't know where I was at in 2020 18 on September 3rd. 19 Q. Well, did you make any efforts to 20 try to confirm or verify or find out where you 21 were given that you were being charged with 22 murder? 23 A. Yes. I told you, I spoke with my 24 aunt and a few of my relatives. They knew</p>	<p style="text-align: right;">Page 78</p> <p>1 house arrest? 2 A. My aunt said that we had a cookout 3 and she remembered me being in the house. I 4 don't remember. 5 Q. Was the cookout documented anywhere? 6 A. What do you mean? 7 Q. In any legal filings? 8 A. I'm not sure. I don't know. 9 There's so much legal filings that I can't 10 tell you. I don't know. 11 Q. Oh, one question I wanted to ask you 12 at the beginning, are you on probation or 13 parole currently? 14 A. No. 15 Q. Okay. Did you drive a car at the 16 time of the murder around September 2000? 17 MR. VAN NAARDEN: Objection. 18 THE WITNESS: I don't know. 19 MR. VAN NAARDEN: You're asking 20 him if he owned a car or if he was 21 driving a car on September 3rd, 2000? 22 MS. ROSENTHAL: No. I'm asking 23 if he -- 24 BY MS. ROSENTHAL:</p>

<p style="text-align: right;">Page 79</p> <p>1 Q. I mean, you don't necessarily have</p> <p>2 to own it. It could be a family -- is there a</p> <p>3 car that you regularly used at that time?</p> <p>4 MR. VAN NAARDEN: That's fine.</p> <p>5 THE WITNESS: No, not that I</p> <p>6 remember.</p> <p>7 BY MS. ROSENTHAL:</p> <p>8 Q. Did you own a gun at that time?</p> <p>9 A. No. I never owned a gun.</p> <p>10 Q. And when you say you never owned a</p> <p>11 gun, how are you interpreting the word "own"?</p> <p>12 Do you mean purchased?</p> <p>13 A. However it could be interpreted. I</p> <p>14 never owned a gun.</p> <p>15 Q. Did you ever use anyone else's gun?</p> <p>16 MR. VAN NAARDEN: Objection.</p> <p>17 You can answer.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: I had a case that</p> <p>20 I was arrested for in 2003 where I had an</p> <p>21 altercation with somebody. I end up</p> <p>22 getting shot. He end up getting shot.</p> <p>23 And the person I got into the altercation</p> <p>24 with, it was his gun. We got in a</p>	<p style="text-align: right;">Page 81</p> <p>1 A. When I got arrested.</p> <p>2 Q. You had no idea that you were</p> <p>3 under -- you had no idea that you were a</p> <p>4 potential suspect for the murder or in any way</p> <p>5 associated with the investigation until you</p> <p>6 were arrested?</p> <p>7 A. Yeah. I didn't know nothing about</p> <p>8 Jamal Kelly -- that I was a suspect in Jamal</p> <p>9 Kelly's murder until my arrest.</p> <p>10 Q. When did you learn the name Shelby</p> <p>11 Green?</p> <p>12 A. When I got arrested.</p> <p>13 Q. How did you come to learn the name</p> <p>14 Shelby Green when you got arrested? Do you</p> <p>15 mean at the time of your arrest?</p> <p>16 A. No. There was a preliminary</p> <p>17 hearing. After the preliminary hearing, I</p> <p>18 received the discovery. After I received the</p> <p>19 discovery or whatever paperwork it was with</p> <p>20 the case, I learned that Jamal was with a girl</p> <p>21 named Shelby Green.</p> <p>22 Q. Did you or any of your family</p> <p>23 members ever communicate with Shelby Green?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 80</p> <p>1 struggle for it, and it was his gun.</p> <p>2 So that's the only time that,</p> <p>3 you know, I can intelligently say that,</p> <p>4 you know, I used someone else's gun.</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. You've never fired a gun in any</p> <p>7 other instance other than that time?</p> <p>8 A. No, not that I remember.</p> <p>9 Q. Have you ever possessed a gun, had a</p> <p>10 gun on your person at any other time?</p> <p>11 A. No, not that I remember.</p> <p>12 Q. Did you see Charles Paladino the day</p> <p>13 of the murder?</p> <p>14 A. I don't remember the day of the</p> <p>15 murder to say if I saw Charles Paladino or</p> <p>16 not.</p> <p>17 Q. Is it possible?</p> <p>18 A. I don't remember if I seen Charles</p> <p>19 Paladino on the day of the murder. I can't</p> <p>20 intelligently tell you anything about that day</p> <p>21 because I don't remember. Nothing stands out</p> <p>22 to me.</p> <p>23 Q. At what point did you come to learn</p> <p>24 that you were a suspect in the investigation?</p>	<p style="text-align: right;">Page 82</p> <p>1 Q. Who?</p> <p>2 A. I actually -- I actually wrote</p> <p>3 Shelby Green a letter, and she actually</p> <p>4 responded and wrote me back.</p> <p>5 Q. What happened to the letter that you</p> <p>6 wrote her?</p> <p>7 A. I overturned it to -- well, the</p> <p>8 letter I wrote her? I don't know what</p> <p>9 happened to the letter I wrote her. You would</p> <p>10 have to ask her, but the letter she wrote me,</p> <p>11 I gave to my attorney at the time, whatever</p> <p>12 attorney that was. I believe it was Mark</p> <p>13 Greenberg.</p> <p>14 Q. Did you give him an original copy of</p> <p>15 the letter?</p> <p>16 A. Yes, I believe I did.</p> <p>17 Q. Did you retain a copy of the letter</p> <p>18 for yourself?</p> <p>19 A. Yes.</p> <p>20 Q. Was that your normal practice when</p> <p>21 you gave something to an attorney, to retain a</p> <p>22 copy yourself?</p> <p>23 A. I mean, I didn't really have a</p> <p>24 normal practice, but I felt like the letter</p>

<p style="text-align: right;">Page 83</p> <p>1 was crucial, and for whatever reason, I kept a 2 copy of it. But I didn't really have a normal 3 practice. Like, you know, I went off what I 4 felt at the moment, and if I felt like I 5 needed a copy, I will make a copy for myself. 6 If I didn't, I wouldn't. 7 Q. And when was it that you wrote her? 8 Was it before trial? 9 A. Yes, it was before trial. 10 Q. How did you get her contact 11 information? 12 A. I got her contact information from 13 off of my discovery. 14 Q. The discovery had the contact 15 information on it? 16 A. The discovery had her address on 17 there. 18 Q. And what did you say in the letter? 19 A. I'm not a hundred percent sure of 20 what I said in the letter, but I explained to 21 her that I was arrested for Jamal Kelly's 22 murder, that I was innocent, I didn't commit 23 the murder and, you know, I respectfully asked 24 if she could come to court and tell the truth</p>	<p style="text-align: right;">Page 85</p> <p>1 reached out to her. 2 Q. Who was your girlfriend? 3 A. It was a girl named Tya. 4 Q. What's -- is Tya a nickname? 5 A. Yeah. Her name is Christya. 6 Q. Last name? 7 A. Dixon. 8 Q. And do you know her mom's name? 9 A. I just know her mom as Crystal, but 10 I'm not a hundred percent sure if her and her 11 mom shares the same last name. 12 Q. Did any of your direct immediate 13 family members contact Shelby Green, to your 14 knowledge? 15 A. No, not that I remember. No. 16 Q. And when Shelby Green wrote you 17 back, did you write her back after that? 18 A. No, I don't think I did, but I'm not 19 a hundred percent sure. We didn't have like 20 extensive communication. Once she wrote me 21 back, it went through my attorney after that. 22 Q. What do you mean? 23 A. Once she wrote me back, I sent the 24 letter to my attorney, and my attorney say he</p>
<p style="text-align: right;">Page 84</p> <p>1 on whatever happened. 2 Q. Did you think that there was 3 anything improper about directly contacting a 4 witness in a criminal case? 5 A. At the time, I didn't really, you 6 know -- I was 19 years old. I didn't know too 7 much about the law. All I know that I was -- 8 I come from poor people. Like I didn't have 9 resources. I didn't really have money and, 10 you know, I reached out to her to see if it 11 could be beneficial to me with me fighting 12 this murder that I didn't commit. 13 At the time, I didn't see nothing 14 wrong with it, because, you know, I wasn't -- 15 I didn't have ill intentions. I wasn't trying 16 to threaten her. I wasn't trying to cause her 17 no harm. I just wanted her to, you know, come 18 to court and tell the truth about whatever she 19 saw. So in my mind, I didn't think I was 20 doing anything wrong. 21 Q. Did any of your family members 22 contact her? 23 A. I believe so. At the time, I had a 24 girlfriend, and the girlfriend, her mom had</p>	<p style="text-align: right;">Page 86</p> <p>1 was going to reach out to her, and it went 2 from there. But me and her didn't maintain a 3 lot of communication after that. 4 Q. Did she ever write you again? 5 A. No, not that I remember. No. 6 Q. When did you learn that Charles 7 Paladino had spoken to police? 8 A. When I got arrested. 9 Q. And when you say when you got 10 arrested, you again mean when you received 11 discovery? 12 A. At my preliminary hearing. So I was 13 arrested on, I believe, September 3rd or 4th 14 of 2003 for the murder, and shortly afterwards 15 I had a preliminary hearing and Charles 16 Paladino showed up to the preliminary hearing, 17 and at that moment, that's when I knew about 18 Charles Paladino involvement in the case. 19 Q. At any point were you held in a cell 20 or in a cell next to Mr. -- sorry. Strike 21 that. 22 At any point were you held in a cell 23 with or next to Mr. Paladino? 24 A. I was never in a cell with Paladino,</p>

<p style="text-align: right;">Page 87</p> <p>1 but I remember when I was going to trial, I 2 believe it was Paladino and might have been 3 Eric Lee or Derrick Alston, I was in one 4 holding cell and they were directly across 5 from me.</p> <p>6 But us being in the same holding 7 cell, no, I was never in the same holding 8 cell. It was a court order that we be 9 separated. It's been times where I was 10 transferred to another institution because of 11 Charles Paladino arriving at the jail, and the 12 jail was strict about keeping us away from 13 each other. I never had contact with Charles 14 Paladino. I haven't seen Charles Paladino 15 since maybe 2000, somewhere in the early 16 2000s.</p> <p>17 Q. You were convicted of a witness 18 intimidation charge; is that correct? 19 A. Yes, that's correct. 20 Q. And that pertained to Charles 21 Paladino? 22 A. Yes, that's correct. 23 Q. Do you have any firsthand 24 information about whether Charles Paladino was</p>	<p style="text-align: right;">Page 89</p> <p>1 Paladino and Detective Peterman fabricated 2 that whole story.</p> <p>3 Q. Well, would it surprise you that he 4 testified during his deposition in this case 5 that he was in fact assaulted? 6 A. No. It wouldn't surprise me at all, 7 but it would surprise me if he said I 8 assaulted him. That would surprise me.</p> <p>9 Q. Well, why wouldn't it surprise you 10 if he said that he was assaulted when your 11 understanding is that Paladino and Peterman 12 made up the fact of the assault altogether? 13 A. It wouldn't surprise me that Charles 14 Paladino was assaulted because Charles 15 Paladino stayed in a bunch of different 16 altercations in the neighborhood. He was 17 known for stealing cars. He was known for 18 stealing people radios. And he always was in 19 some type of form of altercation. So it 20 doesn't surprise me that he was in an 21 altercation. 22 Q. Well -- 23 A. But as far as anything concerning me 24 and me assaulting him, that's a whole 'nother</p>
<p style="text-align: right;">Page 88</p> <p>1 in fact assaulted in or about September 2001 2 after his release -- sorry. Yeah, after his 3 release from jail?</p> <p>4 A. I don't know nothing about Charles 5 Paladino being released from jail. I had no 6 involvement in any type of assault that had to 7 do with Charles Paladino. That whole story 8 Charles Paladino, he stated under oath that he 9 fabricated the whole story. So I don't know 10 nothing about that alleged assault that him 11 and Detective Peterman fabricated.</p> <p>12 Q. Well, do you have any knowledge 13 about whether he was assaulted by anybody? 14 A. Me and Charles Paladino was from the 15 same neighborhood. I known Charles Paladino 16 to have problems with a lot of people.</p> <p>17 Q. The specific incident that -- I'm 18 talking about the specific incident where he 19 was allegedly assaulted. Whether or not you 20 participated, do you have knowledge about 21 whether an assault in fact occurred? 22 A. No. I have no knowledge about the 23 alleged assault that you are mentioning 24 that -- from my understanding, Charles</p>	<p style="text-align: right;">Page 90</p> <p>1 story.</p> <p>2 It would surprise me greatly if 3 Charles Paladino stated that I assaulted him 4 and he stated this was true. Like I know I 5 didn't never assault Charles Paladino ever in 6 my life.</p> <p>7 Q. Well, are you -- 8 A. Nor did I have anything to do with 9 an assault nor did I witness an assault. I 10 have no knowledge of no assault with Charles 11 Paladino that's directly linked with me in any 12 way.</p> <p>13 Q. So if he were to say that he was 14 assaulted not by you but you were physically 15 present, would that be untrue? 16 A. I don't believe anything that 17 Charles Paladino says at all.</p> <p>18 Q. Well, isn't the linchpin of this 19 case what Charles Paladino says happened to 20 him by detectives? 21 A. Yes, it is. It plays a major role 22 in this case, but Charles Paladino, he told a 23 bunch of lies, and I look at everything he say 24 with a grain of salt.</p>

<p style="text-align: right;">Page 91</p> <p>1 However, I do believe that he was</p> <p>2 assaulted by Detective Peterman, because I</p> <p>3 experienced the same assault from Detective</p> <p>4 Peterman. So it brings that some credibility</p> <p>5 in my eyes, because Detective Peterman, he did</p> <p>6 the same exact thing to me. So Detective</p> <p>7 Peterman has a pattern of doing these things.</p> <p>8 So when it comes to what he said</p> <p>9 about Detective Peterman, it brings some</p> <p>10 credibility with me, because Detective</p> <p>11 Peterman, he assaulted me. He tried to make</p> <p>12 me say things that weren't true and he did</p> <p>13 things to me.</p> <p>14 So in that aspect, and only that</p> <p>15 aspect alone, would I say Charles Paladino was</p> <p>16 telling the truth. Everything else, he lied</p> <p>17 so much, I wouldn't know what to believe from</p> <p>18 him.</p> <p>19 Q. Well, isn't it true at times he said</p> <p>20 that he was assaulted by Peterman? At other</p> <p>21 times he said he was bribed by Peterman?</p> <p>22 Other times he said that he told Peterman what</p> <p>23 he wanted to hear so he could leave? And</p> <p>24 other times he said Peterman wrote up the</p>	<p style="text-align: right;">Page 93</p> <p>1 something Charles Paladino is saying, then</p> <p>2 I'mma have to look at it with a grain of salt</p> <p>3 that he's telling a lie. Unless it's some</p> <p>4 form of proof that's supporting it, then I</p> <p>5 think he may be lying.</p> <p>6 Q. So you view him as a liar, except</p> <p>7 for this one thing?</p> <p>8 A. I view him -- I mean, I don't know</p> <p>9 how else to view him.</p> <p>10 Q. I want to return to the -- I was</p> <p>11 going to play a clip that --</p> <p>12 MS. ROSENTHAL: What exhibit</p> <p>13 are we up to?</p> <p>14 COURT REPORTER: If you marked</p> <p>15 the video, that's 5.</p> <p>16 MS. ROSENTHAL: It's an audio,</p> <p>17 but yeah.</p> <p>18 I'm going to mark it as 5, and</p> <p>19 this is a call -- I'm not sure why I</p> <p>20 don't have the most recent version of</p> <p>21 this, but this is a call that I believe</p> <p>22 Robert Outlaw placed on June 29, 2019 at</p> <p>23 20:56:56 to the phone number</p> <p>24 484-461-4031.</p>
<p style="text-align: right;">Page 92</p> <p>1 statement, he just signed it?</p> <p>2 MR. VAN NAARDEN: Objection.</p> <p>3 BY MS. ROSENTHAL:</p> <p>4 Q. What is -- yeah. Is it your</p> <p>5 understanding that he's told various versions</p> <p>6 of what's happened with respect to Detective</p> <p>7 Peterman?</p> <p>8 A. It's from my understanding and from</p> <p>9 my personal experience, I witnessed Charles</p> <p>10 Paladino testify on several occasions. I seen</p> <p>11 several statements that Charles Paladino made,</p> <p>12 and, you know, it's from my understanding that</p> <p>13 Charles Paladino, you know, he has been</p> <p>14 inconsistent in the past, and the only thing</p> <p>15 that I do believe Charles Paladino stated was</p> <p>16 that Detective Peterman actually assaulted him</p> <p>17 and fabricated a statement. And when I saw</p> <p>18 the proof inside the homicide file of him and</p> <p>19 Peterman, the letters they was going back and</p> <p>20 forth, it gave it credibility with me. Also</p> <p>21 what Peterman did to me, it gave it</p> <p>22 credibility.</p> <p>23 So if it's not something that's</p> <p>24 showing me credibility that's substantiating</p>	<p style="text-align: right;">Page 94</p> <p>1 MR. VAN NAARDEN: Where is the</p> <p>2 call? Where's the -- so we have like a</p> <p>3 chain of custody and we know like for</p> <p>4 custodian purposes, where is the call</p> <p>5 from?</p> <p>6 MS. ROSENTHAL: I believe it's</p> <p>7 from the Philadelphia Department of --</p> <p>8 MS. MAYS: It will probably say</p> <p>9 it at some point on the call.</p> <p>10 MR. VAN NAARDEN: Sure, but</p> <p>11 that's why I have a question, because you</p> <p>12 represented that it was --</p> <p>13 MS. ROSENTHAL: I know. I may</p> <p>14 have been wrong.</p> <p>15 MR. VAN NAARDEN: Hold on a</p> <p>16 second. You represented -- you said that</p> <p>17 it was a Philly institution, but then</p> <p>18 they said SCI Somerset, which my</p> <p>19 understanding is a state institution.</p> <p>20 MS. ROSENTHAL: You're right.</p> <p>21 MR. VAN NAARDEN: So one of the</p> <p>22 things -- and, again, I'm more concerned</p> <p>23 about like trial and to the extent that</p> <p>24 individuals want to lay a foundation for</p>

<p style="text-align: right;">Page 95</p> <p>1 these being true and accurate, we need to</p> <p>2 have records custodians at the ready to</p> <p>3 potentially come in and testify. I want</p> <p>4 to make sure we're all on the same page</p> <p>5 as to where it's coming from.</p> <p>6 MS. ROSENTHAL: Yeah, of</p> <p>7 course, but I don't think that the dates</p> <p>8 overlapped, so I do think -- okay. Yeah.</p> <p>9 MR. VAN NAARDEN: So you think</p> <p>10 this one is Philly?</p> <p>11 MS. ROSENTHAL: I do think it's</p> <p>12 Philly, but I was surprised when I heard</p> <p>13 the Holder one. So I'm not totally sure,</p> <p>14 to be honest, the way these are marked.</p> <p>15 (Audio being played.)</p> <p>16 MS. ROSENTHAL: All right.</p> <p>17 We'll have to strike that again. I'm</p> <p>18 really struggling with the calls. I'm so</p> <p>19 sorry.</p> <p>20 BY MS. ROSENTHAL:</p> <p>21 Q. Okay. I want to ask you about</p> <p>22 Katima Jackson. Describe your relationship</p> <p>23 with her.</p> <p>24 A. We have a good relationship.</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes.</p> <p>2 Q. Before then, had you ever spoken to</p> <p>3 her before?</p> <p>4 A. No.</p> <p>5 Q. Did you know her name?</p> <p>6 A. Yes, I knew her name.</p> <p>7 Q. Did you know her address?</p> <p>8 A. No. I didn't know her address</p> <p>9 offhand. I got her address -- I called home</p> <p>10 one day and I received her address from my</p> <p>11 sister or my wife.</p> <p>12 Q. When was that?</p> <p>13 A. I ain't a hundred percent sure.</p> <p>14 Around the time that she gave the affidavit</p> <p>15 or -- I can't accurately tell you exactly</p> <p>16 when, but whenever it was, that's how it got</p> <p>17 pursued. Whenever I found out the</p> <p>18 information, I put her on my list.</p> <p>19 Q. You put her on the list when you</p> <p>20 found out the information?</p> <p>21 A. Well, I put her on my list. She</p> <p>22 told my sister or Monique or somebody that she</p> <p>23 wanted to speak with me and that she was</p> <p>24 adamant about talking to me in person about</p>
<p style="text-align: right;">Page 96</p> <p>1 Q. Is it a friendship, acquaintance,</p> <p>2 romantic relationship?</p> <p>3 A. I mean, it started off with, you</p> <p>4 know, I met Katima Jackson. She came forth in</p> <p>5 my case. She had visited me. After that,</p> <p>6 after she visited me and let me know what was</p> <p>7 going on and that she was a witness in the</p> <p>8 case, she -- when she left the jail, she got</p> <p>9 with my family. She went to put together an</p> <p>10 affidavit and, you know, things started to</p> <p>11 develop from there. She maintained a line of</p> <p>12 communication with me and, you know, we</p> <p>13 started to communicate on a regular basis.</p> <p>14 After that, she came to see me several times</p> <p>15 and, you know, it went from, you know, us like</p> <p>16 not knowing each other to becoming friends and</p> <p>17 to it being a little more than that, where I</p> <p>18 really developed some love for her.</p> <p>19 Q. Before she came forward in 2013, had</p> <p>20 you ever spoken to her before?</p> <p>21 A. Before she came forth in 2013?</p> <p>22 Q. Am I correct that in 2013 is when</p> <p>23 she came to visit you in the prison about the</p> <p>24 Jamal Kelly murder?</p>	<p style="text-align: right;">Page 98</p> <p>1 whatever it is, and she came to see me from</p> <p>2 there.</p> <p>3 MS. ROSENTHAL: I'm going to</p> <p>4 mark as Outlaw-5 a one-page document</p> <p>5 Bates marked PADO01375.</p> <p>6 - - -</p> <p>7 (Exhibit Outlaw-5 marked for</p> <p>8 identification by counsel.)</p> <p>9 - - -</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. Do you recognize this document?</p> <p>12 A. No, I don't.</p> <p>13 Q. Would you agree with me it appears</p> <p>14 to be a filled out form that's titled</p> <p>15 Supplementary Authorized Visitors, just to</p> <p>16 describe it for the record?</p> <p>17 A. Yes, I'll agree with that.</p> <p>18 Q. Have you ever seen it?</p> <p>19 MR. VAN NAARDEN: Can I just</p> <p>20 interject? Because the copy that we have</p> <p>21 that was produced to us was not in color.</p> <p>22 This is the first time I'm ever seeing</p> <p>23 this in color.</p> <p>24 MS. ROSENTHAL: This is your</p>

<p style="text-align: right;">Page 99</p> <p>1 Bates stamp.</p> <p>2 MR. VAN NAARDEN: No, it's not.</p> <p>3 It's PADOC. That's not plaintiff. This</p> <p>4 was produced by the prison. That's</p> <p>5 why -- I'm not saying --</p> <p>6 MS. ROSENTHAL: No. We've been</p> <p>7 producing things produced by the prison</p> <p>8 with the City. You guys have been</p> <p>9 producing with PADOC. Julia has.</p> <p>10 MR. VAN NAARDEN: And you're</p> <p>11 saying -- well, we know you've gotten</p> <p>12 stuff independent from the PADOC as well.</p> <p>13 MS. ROSENTHAL: I have never</p> <p>14 used that Bates mark.</p> <p>15 MR. VAN NAARDEN: Okay.</p> <p>16 MS. ROSENTHAL: Everything</p> <p>17 you've received, you've Batesed.</p> <p>18 MR. VAN NAARDEN: Oh, okay.</p> <p>19 For whatever reason, our version isn't in</p> <p>20 color. I'm glad you have one that's in</p> <p>21 color. Okay.</p> <p>22 MS. ROSENTHAL: I would look at</p> <p>23 your -- I would check with Julia.</p> <p>24 MR. VAN NAARDEN: Yeah. Okay.</p>	<p style="text-align: right;">Page 101</p> <p>1 Do you have any reason to believe</p> <p>2 it's not your signature?</p> <p>3 A. Yeah. This is not an original.</p> <p>4 Q. Sorry. My question is, looking at</p> <p>5 it, understanding that you're not conducting a</p> <p>6 forensic analysis, does it look like your</p> <p>7 signature? Do you have any reason to believe</p> <p>8 that it looks suspiciously not like your</p> <p>9 signature?</p> <p>10 A. No. I don't have no reason to</p> <p>11 believe anything, but if it's not an original</p> <p>12 copy of it, I don't know. I don't know.</p> <p>13 Q. So you would agree that it's</p> <p>14 important to have original copies of things</p> <p>15 because it's hard to know if some things are</p> <p>16 authentic without an original copy?</p> <p>17 A. I wouldn't agree with anything, but</p> <p>18 me personally, like, you know, from my</p> <p>19 experience, before I adopt anything, I would</p> <p>20 want to see the original.</p> <p>21 Q. Do you see that this form appears to</p> <p>22 be dated June 21st, 2010?</p> <p>23 A. Yeah. That's what it say at the</p> <p>24 top.</p>
<p style="text-align: right;">Page 100</p> <p>1 BY MS. ROSENTHAL:</p> <p>2 Q. Sorry. My question is, have you</p> <p>3 ever seen a form that looked like this?</p> <p>4 A. Yes. I've seen plenty of forms that</p> <p>5 look like this.</p> <p>6 Q. Is this a form that you would fill</p> <p>7 out at the Department of Corrections if you</p> <p>8 wanted to add or remove someone from your</p> <p>9 authorized visitor list?</p> <p>10 A. Yeah. This is one of them, but they</p> <p>11 have multiple forms. But this is a form that</p> <p>12 I recognize from being incarcerated with</p> <p>13 adding a visitor, yes.</p> <p>14 Q. Do you see at the bottom there's a</p> <p>15 line that says Inmate Signature?</p> <p>16 A. Yes.</p> <p>17 Q. Is that your signature?</p> <p>18 A. It looks like my signature, but --</p> <p>19 yeah, it looks like my signature, but I'm not</p> <p>20 a hundred -- I need to see -- is this the</p> <p>21 original copy of it? Do you have the</p> <p>22 original?</p> <p>23 Q. It was scanned in, and I don't have</p> <p>24 a physical of it.</p>	<p style="text-align: right;">Page 102</p> <p>1 Q. And would you -- do you see where</p> <p>2 under Removal From the List of Authorized</p> <p>3 Visitors Christya Dixon is listed?</p> <p>4 A. Yes, I see that.</p> <p>5 Q. Is that the woman you described as</p> <p>6 your girlfriend?</p> <p>7 A. Yes. I know her.</p> <p>8 Q. And then in addition to the list of</p> <p>9 authorized visitors, do you see that Katima</p> <p>10 Jackson is listed?</p> <p>11 A. Absolutely. Yes, I see that.</p> <p>12 Q. Are either Katima Jackson or</p> <p>13 Christya Dixon, those lines, is that your</p> <p>14 handwriting, as far as you can tell?</p> <p>15 A. It looks similar to my handwriting.</p> <p>16 I can't a hundred percent say it is or it</p> <p>17 isn't without looking at the original.</p> <p>18 Q. But it looks similar to your</p> <p>19 handwriting?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know whether Katima Jackson's</p> <p>22 date of birth is in fact 4/14/79?</p> <p>23 A. I don't know Katima Jackson's date</p> <p>24 of birth a hundred percent offhand, but I</p>

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<p>Page 103</p> <p>1 wouldn't argue with it.</p> <p>2 Q. Do you know whether that was her</p> <p>3 address at the time, 8244 Algon Avenue?</p> <p>4 A. I don't know Katima address by</p> <p>5 heart, but I wouldn't argue with it. I don't</p> <p>6 know.</p> <p>7 Q. Do you have any idea why this</p> <p>8 authorized visitor form was placed in your DOC</p> <p>9 file -- well, strike that.</p> <p>10 Do you remember adding Katima</p> <p>11 Jackson to your visitor list in 2010?</p> <p>12 A. No, I don't remember this. But, I</p> <p>13 mean, I'm not saying -- I just don't remember.</p> <p>14 And then it's strange that it says that she's</p> <p>15 my cousin, and the date is -- so it's kind of</p> <p>16 throwing me through a loop.</p> <p>17 Q. Well, isn't it true that -- well,</p> <p>18 let me -- in your experience, is it sometimes</p> <p>19 the case that individuals in prison will list</p> <p>20 people that they add to their visitor list as</p> <p>21 having some sort of familial relationship with</p> <p>22 them because they're allowed additional</p> <p>23 privileges, such as more time to spend with</p> <p>24 them during visits?</p>	<p>Page 105</p> <p>1 Q. I believe -- and please let me know</p> <p>2 if I misheard you, but I believe you said that</p> <p>3 you don't have a specific recollection as to</p> <p>4 whether you did in fact add her?</p> <p>5 A. Yeah. I just don't remember.</p> <p>6 That's what I'm saying. So you're asking me</p> <p>7 if I did this or if I didn't do it. Like I</p> <p>8 don't remember this document, and I would like</p> <p>9 to see the original one before I make an</p> <p>10 accurate, you know, decision on it.</p> <p>11 But I put in so many different</p> <p>12 visiting forms, I had at times 50 people on my</p> <p>13 visiting list. So I don't remember each and</p> <p>14 every one over the years. Like that's hard</p> <p>15 for me to remember, so...</p> <p>16 Q. But would it be surprising to you if</p> <p>17 you had found out if you saw the original and</p> <p>18 you saw it was in fact your handwriting, is</p> <p>19 that something that would be surprising to</p> <p>20 you?</p> <p>21 MR. VAN NAARDEN: Objection.</p> <p>22 THE WITNESS: I don't</p> <p>23 understand what you mean.</p> <p>24 BY MS. ROSENTHAL:</p>
<p>Page 104</p> <p>1 A. No, that's not true.</p> <p>2 Q. That's uncommon?</p> <p>3 A. No. What you saying is not true.</p> <p>4 You don't -- you wouldn't receive nothing</p> <p>5 special from somebody being your cousin.</p> <p>6 Q. Okay. I understand that.</p> <p>7 A. The only way you'll get any type of</p> <p>8 different treatment is if it's immediate</p> <p>9 family, and with immediate family, if you're</p> <p>10 in the -- what is it called? If you're in the</p> <p>11 restricted housing unit, then your mother or</p> <p>12 your children or somebody that's immediate</p> <p>13 family can have contact with you, but a cousin</p> <p>14 wouldn't be immediate family.</p> <p>15 Q. Sitting here today -- well, strike</p> <p>16 that.</p> <p>17 Would it be surprising to you if you</p> <p>18 had added Katima Jackson to your visitors list</p> <p>19 in 2010 given that you cannot recall</p> <p>20 specifically whether you did?</p> <p>21 MR. VAN NAARDEN: Objection.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: Excuse me?</p> <p>24 BY MS. ROSENTHAL:</p>	<p>Page 106</p> <p>1 Q. Let me think about if there's a way</p> <p>2 that I can --</p> <p>3 A. But --</p> <p>4 MR. VAN NAARDEN: There's no</p> <p>5 question. She has to ask the questions.</p> <p>6 MS. ROSENTHAL: Yeah. Let me</p> <p>7 think about if there's a way I can</p> <p>8 rephrase.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. Given that it was your testimony</p> <p>11 that you recall adding her to the visitor list</p> <p>12 around 2013, if you learned that you were</p> <p>13 mistaken, is that something that you would be</p> <p>14 very surprised by or is it possible that you</p> <p>15 added her and you forgot?</p> <p>16 MR. VAN NAARDEN: Objection.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: All I know is</p> <p>19 that when I received the information of</p> <p>20 Katima name and her address, I added her</p> <p>21 on my visiting list and I received a</p> <p>22 visit from her. As far as surprises or</p> <p>23 whatever the case may be, I don't really</p> <p>24 understand what you saying, but I know</p>

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<p>Page 107</p> <p>1 that when I received the information from</p> <p>2 Katima, I put her on my visiting list.</p> <p>3 The only thing that's surprising is the</p> <p>4 relation. Katima is not my cousin and so</p> <p>5 forth and so on, but I know I didn't add</p> <p>6 her in that I remember in 2010. It</p> <p>7 doesn't make sense. And what I do know</p> <p>8 is I added her in 2013 shortly after she</p> <p>9 came and visit me. That's the only time</p> <p>10 that I got a visit from her. Prior to</p> <p>11 that, I never seen Tima before 2013.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. You've never seen Katima before</p> <p>14 2013; is that what you just testified to?</p> <p>15 A. Yes. I never seen her on a visit</p> <p>16 before 2013. That's exactly what I testified</p> <p>17 to.</p> <p>18 Q. Well, what incentive would the</p> <p>19 Department of Corrections have to make a false</p> <p>20 additional visitor request from 2010?</p> <p>21 MR. VAN NAARDEN: Objection.</p> <p>22 THE WITNESS: I never --</p> <p>23 MR. VAN NAARDEN: Objection.</p> <p>24 You can answer.</p>	<p>Page 109</p> <p>1 And then children doesn't count as a person on</p> <p>2 the visiting list, so...</p> <p>3 Q. Do you know why you removed Christya</p> <p>4 Dixon in 2010?</p> <p>5 A. I don't know. I don't know.</p> <p>6 Christya Dixon was my old girlfriend. I don't</p> <p>7 know why I took her off or whatever the case</p> <p>8 may be, but -- I don't know, but -- I can't</p> <p>9 give you an accurate -- I don't remember.</p> <p>10 Q. Okay. So you have no explanation</p> <p>11 for this document?</p> <p>12 A. Yeah. I vaguely remember taking</p> <p>13 Christya off. I would like to see the</p> <p>14 original of this and -- I don't know. I don't</p> <p>15 have a valid explanation for you concerning</p> <p>16 this and I'm not -- you know, that's all I can</p> <p>17 give you with it.</p> <p>18 Q. Why do you think -- given that it's</p> <p>19 in color, what do you think would be helpful</p> <p>20 about the original?</p> <p>21 A. Excuse me?</p> <p>22 Q. Given that it's in color, what would</p> <p>23 you be hoping to see from the original?</p> <p>24 A. I mean, I wouldn't be hoping to see</p>
<p>Page 108</p> <p>1 THE WITNESS: I never said -- I</p> <p>2 never accused the DOC of doing anything,</p> <p>3 but I don't know where the error came in,</p> <p>4 with who behalf it was on, whatever the</p> <p>5 case may be, but I'm not accusing the DOC</p> <p>6 of doing anything wrong.</p> <p>7 BY MS. ROSENTHAL:</p> <p>8 Q. Well, if you added her in 2010, why</p> <p>9 would you add her -- well, strike that.</p> <p>10 Isn't it the case that you're only</p> <p>11 allowed to have a limited number of</p> <p>12 individuals on your visitors list?</p> <p>13 A. Yeah. There's a limitation.</p> <p>14 Q. Which is why -- so is it frequently</p> <p>15 the case that you have to remove someone in</p> <p>16 order to add someone, because you have to stay</p> <p>17 within the limit?</p> <p>18 A. No. You don't have to remove nobody</p> <p>19 to add a person, no.</p> <p>20 Q. There's not an upper limit of how</p> <p>21 many people you can have on your list?</p> <p>22 A. Yeah. It's like 40 people you can</p> <p>23 have on your list. So the average person</p> <p>24 doesn't have 40 people on their visiting list.</p>	<p>Page 110</p> <p>1 anything from the original. I just would like</p> <p>2 to see the original before I say anything,</p> <p>3 because, you know, my experience with the</p> <p>4 court proceedings and so forth and so on</p> <p>5 where, you know, I've been -- I have a lack of</p> <p>6 trust for the system.</p> <p>7 Q. Although the Department of</p> <p>8 Corrections has no connection to the City of</p> <p>9 Philadelphia?</p> <p>10 A. I have a lack of trust for the</p> <p>11 Department of Corrections as well.</p> <p>12 Q. Okay. Do you have any familial</p> <p>13 relationship, even extended family, with</p> <p>14 Katima Jackson?</p> <p>15 A. Excuse me?</p> <p>16 Q. Do you have any familial</p> <p>17 relationship with Katima Jackson? And I'm</p> <p>18 including extended family, someone's third</p> <p>19 cousin, for example.</p> <p>20 A. Me and Katima Jackson doesn't share</p> <p>21 any type of relation at all.</p> <p>22 Q. Okay. And you referred to her as</p> <p>23 Tima I believe at one point?</p> <p>24 A. Yeah.</p>

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<p style="text-align: right;">Page 111</p> <p>1 Q. Are there any other -- does she have</p> <p>2 a Muslim name?</p> <p>3 A. Not that I know of. I just know her</p> <p>4 as Tima.</p> <p>5 Q. Okay. Any other names that you</p> <p>6 refer to her by?</p> <p>7 A. Katima.</p> <p>8 Q. Okay. When is the last time you've</p> <p>9 contacted Katima?</p> <p>10 A. It's been a while. Maybe over a</p> <p>11 year.</p> <p>12 Q. Since this lawsuit was filed?</p> <p>13 A. Since this lawsuit was filed, no.</p> <p>14 Me and her, the relationship took a turn for</p> <p>15 the worse and we really not on speaking terms</p> <p>16 now.</p> <p>17 Q. What happened?</p> <p>18 A. When I got released from prison, you</p> <p>19 know, we were good friends, and when I got</p> <p>20 released from prison, you know, I wasn't able</p> <p>21 to spend time with her or I wasn't able to</p> <p>22 communicate with her and, you know, we fell</p> <p>23 out. Like when I was incarcerated, we</p> <p>24 became -- you know, we became good friends,</p>	<p style="text-align: right;">Page 113</p> <p>1 A. It's not set up in a manner where</p> <p>2 somebody that's not in jail can log into the</p> <p>3 prisoners. Like my account from --</p> <p>4 Q. Oh --</p> <p>5 A. -- when I was an inmate, I can't log</p> <p>6 into -- I can't log into that.</p> <p>7 Q. I understand.</p> <p>8 A. I need -- I would need the actual</p> <p>9 tablet that was sold to me when I was</p> <p>10 incarcerated and I would have to sync it with</p> <p>11 they system in order for me to have any type</p> <p>12 of like -- I really don't know how to put it.</p> <p>13 Q. No. I understand and --</p> <p>14 A. I don't know how to articulate --</p> <p>15 Q. I don't mean to cut you off, but my</p> <p>16 question -- was it the case that after you</p> <p>17 were released from prison, you also had an</p> <p>18 account to communicate with those who were in</p> <p>19 prison?</p> <p>20 A. Yeah. At some point, I had set up</p> <p>21 Global Tel Link, but it didn't really last</p> <p>22 long.</p> <p>23 Q. Have you -- do you have access to it</p> <p>24 anymore?</p>
<p style="text-align: right;">Page 112</p> <p>1 and when I was released from prison, you know,</p> <p>2 things took a turn for the worse and, you</p> <p>3 know, we end up falling out from a lack of</p> <p>4 communicating with her.</p> <p>5 Q. So you had some communication after</p> <p>6 you were released from prison and then fell</p> <p>7 out with her?</p> <p>8 A. Yeah. I talked to her a few times</p> <p>9 and --</p> <p>10 Q. Was that over the phone or in</p> <p>11 person?</p> <p>12 A. Most of the time it was in person,</p> <p>13 but I've talked to her on the phone as well.</p> <p>14 Q. Have you ever e-mailed with her?</p> <p>15 A. No. I rarely use e-mails and -- no.</p> <p>16 Q. Did you use the inmate messaging</p> <p>17 system to communicate with her when you were</p> <p>18 in prison?</p> <p>19 A. Yeah. It's been times that we went</p> <p>20 back and forth on Global Tel Link system.</p> <p>21 Q. Do you still have access to that</p> <p>22 system?</p> <p>23 A. No, not at all.</p> <p>24 Q. You can't sign in anymore?</p>	<p style="text-align: right;">Page 114</p> <p>1 A. No, because I changed phones so much</p> <p>2 that when I had it in my phone like -- with</p> <p>3 the phones, it would be set up that I would</p> <p>4 save whatever password it is to that phone.</p> <p>5 So when I go to log into whatever it is, I can</p> <p>6 tap for the password and it will let me in</p> <p>7 through that device, but when I don't have the</p> <p>8 device no more, I won't remember the passcode</p> <p>9 and so forth and so on to get into that actual</p> <p>10 app or whatever it is. But it's been maybe</p> <p>11 two years, a year and a half before I sent</p> <p>12 anybody an e-mail on there.</p> <p>13 Q. Am I correct that in many of your</p> <p>14 prison calls -- or I don't know if you'd say</p> <p>15 many, but a substantial number, you used the</p> <p>16 term "secure package"?</p> <p>17 A. Yeah.</p> <p>18 Q. What's a secure package?</p> <p>19 A. It's food that you get sent.</p> <p>20 Q. It's only food?</p> <p>21 A. Yeah. It's like -- I guess it's</p> <p>22 like a website where your relatives can order</p> <p>23 you food and they will send you food. Instead</p> <p>24 of you using your commissary -- well, going to</p>

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<p style="text-align: right;">Page 115</p> <p>1 commissary is like a way of your family</p> <p>2 members sending you food.</p> <p>3 Q. Did you ever disclose to anyone</p> <p>4 that -- you said that you began a friendship</p> <p>5 with Katima Jackson, then it turned into</p> <p>6 something more. Did you ever disclose that or</p> <p>7 did someone ever disclose that on your behalf</p> <p>8 to the District Attorney's Office?</p> <p>9 A. I'm not sure. Not that I know of.</p> <p>10 I mean, if anybody would ask me, I would have</p> <p>11 told them, but...</p> <p>12 Q. Well, isn't it the case that you</p> <p>13 didn't volunteer the information because it</p> <p>14 made her a less credible witness?</p> <p>15 MR. VAN NAARDEN: Objection.</p> <p>16 THE WITNESS: No. I didn't</p> <p>17 even think that far, but if anybody would</p> <p>18 have asked me me and her relationship, I</p> <p>19 would have been honest about it. You</p> <p>20 asked me about me and her relationship</p> <p>21 and I told you the truth.</p> <p>22 BY MS. ROSENTHAL:</p> <p>23 Q. Well, you know I have a quite a few</p> <p>24 documents that show it, but --</p>	<p style="text-align: right;">Page 117</p> <p>1 relationship was irrelevant to what she saw.</p> <p>2 I have a relationship with a lot of people</p> <p>3 involved in the case. We all from the same</p> <p>4 neighborhood. You not from this neighborhood.</p> <p>5 You not from this neighborhood. Like the sad</p> <p>6 reality is, we all from around the same</p> <p>7 neighborhood. We all like know the same</p> <p>8 people. And I might not directly know you</p> <p>9 personally, but with people being from around</p> <p>10 the same neighborhood and something happens,</p> <p>11 like you tend to know each other.</p> <p>12 Q. I'm actually talking about Patricia</p> <p>13 Cummings. Do you know who Patricia Cummings</p> <p>14 is?</p> <p>15 A. I believe Patricia Cummings was</p> <p>16 something to do with the CRU.</p> <p>17 Q. Yes. After your conviction was</p> <p>18 overturned, then there was a decision to nolle</p> <p>19 pros it. And did you understand that they</p> <p>20 gave credibility to Katima Jackson because she</p> <p>21 was, unlike some other witnesses involved in</p> <p>22 the case who had some relationship with you,</p> <p>23 they were not aware of her having a personal</p> <p>24 relationship with you?</p>
<p style="text-align: right;">Page 116</p> <p>1 A. I don't know what you have.</p> <p>2 Q. How frequently would she visit you</p> <p>3 in jail?</p> <p>4 A. I'm not sure how frequent it was,</p> <p>5 but she came to see me a number of times.</p> <p>6 Q. And would you talk about your case?</p> <p>7 A. No. I never would mention my case</p> <p>8 to her. It was like we became friends and</p> <p>9 then shit started to get personal. So as far</p> <p>10 as my case, like the most she would say is</p> <p>11 like she felt bad for me. She sympathized for</p> <p>12 me with my situation and, you know, she was</p> <p>13 like, you know, heartbroken to see that I was</p> <p>14 in jail for some shit I didn't do. Excuse my</p> <p>15 language. I was in jail for something I</p> <p>16 didn't do, and that was basically that.</p> <p>17 Q. Are you aware that when the District</p> <p>18 Attorney's Office nolle prossed your case, one</p> <p>19 of the reasons is because they viewed Katima</p> <p>20 Jackson as an independent witness who wasn't</p> <p>21 affiliated with you?</p> <p>22 A. From my understanding, the judge</p> <p>23 believes Katima Jackson to be credible and,</p> <p>24 you know, I feel as though me and her</p>	<p style="text-align: right;">Page 118</p> <p>1 MR. VAN NAARDEN: Objection.</p> <p>2 THE WITNESS: I mean, I can't</p> <p>3 accurately say why Patricia Cummings, you</p> <p>4 know, thought what she thought or did</p> <p>5 what she did. All I know in the case is</p> <p>6 that I was innocent. I'm really</p> <p>7 innocent, and regardless of what me and</p> <p>8 Katima relationship developed into, it</p> <p>9 started off with me being innocent and</p> <p>10 her being a witness to me not committing</p> <p>11 a crime. Like she saw somebody else</p> <p>12 commit the crime.</p> <p>13 BY MS. ROSENTHAL:</p> <p>14 Q. And when did --</p> <p>15 A. And from there, you know, I feel as</p> <p>16 though she felt bad for me. She had sympathy</p> <p>17 for me. And, you know, I'm a human being. I</p> <p>18 was somebody that was serving a life sentence.</p> <p>19 Like, you know, it's times that, you know, I</p> <p>20 was in there lonely. I was in there stressed</p> <p>21 out and, you know, we developed a friendship.</p> <p>22 I'm not going to stop somebody from writing me</p> <p>23 a letter or tell somebody, whatever the case</p> <p>24 may be.</p>

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<p style="text-align: right;">Page 119</p> <p>1 (Ms. Mays left the conference</p> <p>2 room.)</p> <p>3 Q. How quickly did you develop a</p> <p>4 friendship with her from when she came to see</p> <p>5 you?</p> <p>6 A. A couple years. I'm not a hundred</p> <p>7 percent sure, but it just didn't like she seen</p> <p>8 me on Monday, and Tuesday we was, you know,</p> <p>9 swapping letters or whatever the case may be.</p> <p>10 It took a couple years before, you know, our</p> <p>11 bond developed.</p> <p>12 Q. Well, when is the next time that she</p> <p>13 came to see you in the prison after she came</p> <p>14 to see you the first time in 2013?</p> <p>15 A. Honestly, like I used to receive a</p> <p>16 visit almost every week.</p> <p>17 (Ms. Mays re-entered the</p> <p>18 conference room.)</p> <p>19 Q. Well, why was she visiting you if</p> <p>20 she had just come to tell you that she was a</p> <p>21 witness to the murder? Why did she continue</p> <p>22 to visit every week?</p> <p>23 A. Katima didn't come see me every</p> <p>24 week. Monique would come see me every week.</p>	<p style="text-align: right;">Page 121</p> <p>1 under oath today, you didn't think that it</p> <p>2 would be damaging at all to your case if it</p> <p>3 became public knowledge that you and Katima</p> <p>4 Jackson had a strong friendship or were</p> <p>5 something more than friends?</p> <p>6 A. I mean, we weren't having sex or</p> <p>7 anything of that nature. So I didn't really</p> <p>8 look at it like -- how can I put this? Like,</p> <p>9 you know, we was friends and I felt like, you</p> <p>10 know, she felt bad for me. She had sympathy</p> <p>11 for me and, you know, it developed into a</p> <p>12 friendship that developed into me having love</p> <p>13 for her.</p> <p>14 As far as what I thought as far as</p> <p>15 the damage to my case, the fact of the matter</p> <p>16 is, I didn't commit the murder, and that's</p> <p>17 that. Nothing changes that. I don't think</p> <p>18 that, you know, because I knew Katima Jackson,</p> <p>19 that it would change the fact that I didn't</p> <p>20 commit the murder.</p> <p>21 At the end of the day, I didn't</p> <p>22 commit the murder, and nothing changes that I</p> <p>23 didn't commit the murder, that I was innocent.</p> <p>24 Q. Okay. I move to strike that answer</p>
<p style="text-align: right;">Page 120</p> <p>1 Q. We're talking about Katima.</p> <p>2 A. Yeah. But, no, Katima didn't come</p> <p>3 see me every week. I'm just telling -- in</p> <p>4 general you asked me when was the next time</p> <p>5 Katima came up after that, and the reason for</p> <p>6 me saying that I used to get visits on a</p> <p>7 regular basis is to show like I got so many</p> <p>8 visits that I couldn't keep track of this</p> <p>9 time, this time, how far afterwards or so</p> <p>10 forth and so on, but I know she came back up</p> <p>11 there several times. But the time span</p> <p>12 exactly, I'm not a hundred percent sure. It</p> <p>13 could have been six months before I seen her</p> <p>14 again. She may have come to see me about five</p> <p>15 times, six.</p> <p>16 Q. And who did -- did you disclose your</p> <p>17 relationship with Katima to anyone?</p> <p>18 A. A couple of my friends.</p> <p>19 Q. Only a couple?</p> <p>20 A. I mean, a couple of my friends. I</p> <p>21 mean, I wasn't running around broadcasting</p> <p>22 that, you know, me and her became more than</p> <p>23 friends.</p> <p>24 Q. And you didn't think, sitting here</p>	<p style="text-align: right;">Page 122</p> <p>1 as non-responsive, and also I would just let</p> <p>2 you know that to the extent you provide</p> <p>3 prolonged responses that are not responsive to</p> <p>4 the question, you do run the risk of having to</p> <p>5 be re-called for another deposition. That's</p> <p>6 something the judge would have to decide, but</p> <p>7 it's important that you answer the question so</p> <p>8 we can get everything done.</p> <p>9 A. Oh, I'm sorry. I thought I answered</p> <p>10 the question.</p> <p>11 MR. VAN NAARDEN: She's telling</p> <p>12 you something.</p> <p>13 I would just say just so the</p> <p>14 record is clear, you asked him a very</p> <p>15 compound question, open-ended about what</p> <p>16 damage he thought that Katima's</p> <p>17 relationship with him would have. That's</p> <p>18 not a yes or no response, and he gave you</p> <p>19 a response that was absolutely responsive</p> <p>20 to your question. But, again, you</p> <p>21 reserve the right to --</p> <p>22 MS. ROSENTHAL: I disagree.</p> <p>23 MR. VAN NAARDEN: You reserve</p> <p>24 the right to do whatever you want.</p>

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<p>Page 123</p> <p>1 BY MS. ROSENTHAL:</p> <p>2 Q. My question is whether you thought</p> <p>3 it would be harmful to your ability to obtain</p> <p>4 post-conviction release if it was known that</p> <p>5 you had the relationship that you had with</p> <p>6 Katima Jackson.</p> <p>7 A. I didn't think that if me and Katima</p> <p>8 became friends, that it changed the fact that</p> <p>9 I was innocent.</p> <p>10 Q. But would it potentially change the</p> <p>11 fact about whether you would be granted relief</p> <p>12 that would let you out of jail?</p> <p>13 MR. VAN NAARDEN: Objection.</p> <p>14 THE WITNESS: I have no way</p> <p>15 of -- I'm not one who determines</p> <p>16 credibility, so I don't know the standard</p> <p>17 of credibility. What I am saying is,</p> <p>18 what I thought in my mind -- you asked me</p> <p>19 what I thought. I didn't think that if</p> <p>20 me and her was friends, that it would</p> <p>21 change the fact that I'm innocent, and I</p> <p>22 hope that that answers the question as</p> <p>23 however you want me to answer or respond.</p> <p>24 Like I'm not trying to be difficult or</p>	<p>Page 125</p> <p>1 MS. ROSENTHAL: Yeah. That's</p> <p>2 good.</p> <p>3 Let's go off the record.</p> <p>4 MR. VAN NAARDEN: Just like</p> <p>5 five minutes. I'm not even saying...</p> <p>6 VIDEO TECHNICIAN: We're now</p> <p>7 going off record. The time now is 2:18</p> <p>8 p.m.</p> <p>9 - - -</p> <p>10 (Short recess.)</p> <p>11 - - -</p> <p>12 VIDEO TECHNICIAN: We're now</p> <p>13 back on record. The time is 2:31 p.m.</p> <p>14 BY MS. ROSENTHAL:</p> <p>15 Q. Okay. I want to play you an audio</p> <p>16 clip that I had attempted to play you before</p> <p>17 and was unable. It's a call that you placed</p> <p>18 on, I believe, June 29, 2019 at 20:55:58 to</p> <p>19 353 -- no. That might not be the number. To</p> <p>20 484-461-4031. And before I -- and the clip is</p> <p>21 from 8:15 to 8:52. It looks like the speakers</p> <p>22 may be working all the sudden.</p> <p>23 (Audio being played.)</p> <p>24 All right. You're going to have to</p>
<p>Page 124</p> <p>1 anything. I'm trying to answer the</p> <p>2 questions to the best of my ability, and</p> <p>3 I apologize if --</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. You don't need to apologize, but you</p> <p>6 thought you were innocent all along; isn't</p> <p>7 that correct?</p> <p>8 A. I didn't think. I know --</p> <p>9 Q. You knew?</p> <p>10 A. -- with certainty I was innocent all</p> <p>11 along.</p> <p>12 Q. But your belief that you were</p> <p>13 innocent didn't lead to you being able to get</p> <p>14 out of jail. It was important for you to have</p> <p>15 witnesses, and their credibility was</p> <p>16 important; is that correct?</p> <p>17 MR. VAN NAARDEN: Objection.</p> <p>18 MS. ROSENTHAL: You know what?</p> <p>19 I will withdraw that question and we can</p> <p>20 move on.</p> <p>21 MR. VAN NAARDEN: When it's</p> <p>22 good for you, if you want to take a</p> <p>23 five-minute. We've been going at it for</p> <p>24 over an hour, but I don't want to --</p>	<p>Page 126</p> <p>1 hold this to your ear. That's the only way</p> <p>2 you're going to be able to hear it.</p> <p>3 MR. VAN NAARDEN: I need to</p> <p>4 hear it too.</p> <p>5 MS. ROSENTHAL: You can each</p> <p>6 take one.</p> <p>7 MR. VAN NAARDEN: Whatever was</p> <p>8 playing just now I could hear.</p> <p>9 MS. ROSENTHAL: Oh, you could?</p> <p>10 MR. VAN NAARDEN: Barely, but</p> <p>11 yeah.</p> <p>12 MS. ROSENTHAL: All right. I'm</p> <p>13 going to replay it, but I think it would</p> <p>14 be helpful if you...</p> <p>15 (Audio being played.)</p> <p>16 BY MS. ROSENTHAL:</p> <p>17 Q. Do you recognize your voice in that</p> <p>18 audio clip?</p> <p>19 A. Yes.</p> <p>20 Q. And were you talking to your wife,</p> <p>21 Monique?</p> <p>22 A. Yes.</p> <p>23 Q. And am I correct that in the audio</p> <p>24 clip, Monique asked you, what are you going to</p>

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<p>Page 127</p> <p>1 do with your law work when you go home? Shred</p> <p>2 it?</p> <p>3 And you said that you wanted to take</p> <p>4 it -- take away the box of law shit and set it</p> <p>5 on fire; is that correct?</p> <p>6 A. No. That's not how that</p> <p>7 conversation went.</p> <p>8 Q. How did the conversation go?</p> <p>9 A. You heard the conversation. You</p> <p>10 know, it's traumatic to me. It's something</p> <p>11 that, you know, I struggle with. It's</p> <p>12 something that is -- when I think of it, it's</p> <p>13 something that's real traumatic to me. It's</p> <p>14 me reliving a moment in my life of me</p> <p>15 suffering, of me literally fighting for my</p> <p>16 life for a crime I didn't commit. It's</p> <p>17 something that I don't want to entertain every</p> <p>18 day. It's something that I don't want to</p> <p>19 constantly relive.</p> <p>20 Q. Well, my question is not why you</p> <p>21 would want to set it on fire. It is whether</p> <p>22 you stated in the call -- is it correct to say</p> <p>23 that you stated in the call that you want to</p> <p>24 take your box of law shit and set it on fire?</p>	<p>Page 129</p> <p>1 VIDEO TECHNICIAN: We are now</p> <p>2 going off record. The time now is 2:37</p> <p>3 p.m.</p> <p>4 - - -</p> <p>5 (Short recess.)</p> <p>6 - - -</p> <p>7 VIDEO TECHNICIAN: We're now</p> <p>8 back on record. The time is 2:41 p.m.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. At the time that you made that</p> <p>11 statement in 2019, you were contemplating</p> <p>12 bringing litigation in the event that your</p> <p>13 conviction was nolle prossed; is that correct?</p> <p>14 MR. VAN NAARDEN: Objection.</p> <p>15 THE WITNESS: I mean, I always</p> <p>16 felt as though that -- I mean, how can I</p> <p>17 put this? You know, as somebody serving</p> <p>18 a life sentence, you know, worried about</p> <p>19 a litigation is like putting the buggy</p> <p>20 before the horse. It's impossible. My</p> <p>21 main priority was like being released</p> <p>22 from prison, but in the event that I got</p> <p>23 out of prison, I felt as though that,</p> <p>24 yes, I wanted somebody to be held</p>
<p>Page 128</p> <p>1 A. Can you replay the call for me?</p> <p>2 Q. Sure.</p> <p>3 (Audio being played.)</p> <p>4 So is it correct that you stated in</p> <p>5 the clip that when you get home, you're going</p> <p>6 to take the box of law shit and you're going</p> <p>7 to set the shit on fire?</p> <p>8 A. Yes. I can't deny that. Yes. Yes,</p> <p>9 I said that, but this comes from me not having</p> <p>10 no good memories of it, and that's that. But</p> <p>11 to answer your question, yes, I said that.</p> <p>12 Q. Well, is it not the case that by</p> <p>13 choosing to bring this civil suit, you also</p> <p>14 are having to face memories of what happened</p> <p>15 to you?</p> <p>16 A. Yes. Yes, absolutely, and it</p> <p>17 bothers me. Just mentioning it, it gives me</p> <p>18 anxiety. It gives me stress. Like right now,</p> <p>19 like I'm anxious. Like it's me reliving the</p> <p>20 most traumatic event of my life. Like it's</p> <p>21 fucking with me now.</p> <p>22 MR. VAN NAARDEN: Do you need</p> <p>23 to take a minute?</p> <p>24 THE WITNESS: Yeah.</p>	<p>Page 130</p> <p>1 accountable for what happened to me. I</p> <p>2 felt as though I was wronged by the</p> <p>3 system, and I just wasn't going to sit</p> <p>4 back and be happy that I got wronged.</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. But you understand the importance of</p> <p>7 discovery, right? That was one of the large</p> <p>8 foundations of your case, that documents</p> <p>9 should have been turned over and exchanged?</p> <p>10 A. Yeah. I always understood the</p> <p>11 importance of discovery. I was never confused</p> <p>12 about that. But when I was speaking about --</p> <p>13 I was speaking about my file that I never had.</p> <p>14 My file was at SCI Dallas. I didn't have</p> <p>15 possession of my file. Then a lot of --</p> <p>16 everything that was original I sent to my</p> <p>17 attorney, Edward Foster. Monique made a copy</p> <p>18 of everything she had and gave to my attorney.</p> <p>19 So it was no need, I felt as though for me, to</p> <p>20 hold onto anything, because Monique gave Ed</p> <p>21 everything and she took the copies, and it was</p> <p>22 no need for me to hold on and to me, you know,</p> <p>23 taunt myself with this paperwork.</p> <p>24 Q. Well, maybe you can help us then</p>

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<p style="text-align: right;">Page 131</p> <p>1 identify where some of the originals are</p> <p>2 located, because we're not able to locate them</p> <p>3 either from Ed Foster or someone else.</p> <p>4 MS. ROSENTHAL: Sorry. Did I</p> <p>5 mark that call as an exhibit?</p> <p>6 COURT REPORTER: No.</p> <p>7 MS. ROSENTHAL: What number are</p> <p>8 we at?</p> <p>9 COURT REPORTER: 6.</p> <p>10 MS. ROSENTHAL: Okay. So I'd</p> <p>11 like to mark that as an exhibit.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. I'm going to show you a document</p> <p>14 that I'm going to mark as Outlaw-7.</p> <p>15 - - -</p> <p>16 (Exhibit Outlaw-7 marked for</p> <p>17 identification by counsel.)</p> <p>18 - - -</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. It's a one-page document that's</p> <p>21 Bates stamped OUTLAWDAO2022002530.</p> <p>22 Do you recognize this document?</p> <p>23 A. No. Let me read it.</p> <p>24 (Pause.)</p>	<p style="text-align: right;">Page 133</p> <p>1 property, just things that I didn't want to</p> <p>2 get left behind, and it wasn't -- it didn't</p> <p>3 really have nothing to do with the law work.</p> <p>4 It was pictures of my wife that I had that I</p> <p>5 wouldn't want nobody else to see. It was</p> <p>6 pictures of my family and, you know, things of</p> <p>7 that nature that meant something to me that I</p> <p>8 didn't want to just be languoring around the</p> <p>9 jail or wanted the jail to destroy. So I</p> <p>10 called to get all my property, and they</p> <p>11 informed me that they didn't have it no more.</p> <p>12 Q. Why didn't you call them before six</p> <p>13 months was over? You waited six months until</p> <p>14 after you left? Or longer than that. Was it</p> <p>15 years?</p> <p>16 A. Yeah. At the time, it probably was</p> <p>17 like nine months to a year.</p> <p>18 Q. Do you know whether Monique had this</p> <p>19 original or do you have a distinct</p> <p>20 recollection that you were the one who had the</p> <p>21 original?</p> <p>22 MR. VAN NAARDEN: Objection.</p> <p>23 THE WITNESS: I mean, it's hard</p> <p>24 for me to keep track of thousands of</p>
<p style="text-align: right;">Page 132</p> <p>1 I don't know. I vaguely remember</p> <p>2 it.</p> <p>3 Q. It's an affidavit that Lamar Rodgers</p> <p>4 signed dated January -- Lamar Rodgers</p> <p>5 purportedly signed dated January 8, 2015?</p> <p>6 A. Yes. I see it.</p> <p>7 Q. Do you know where the original of</p> <p>8 this document is located?</p> <p>9 A. It has to either be in Ed's file or</p> <p>10 it could be in my file that I have up SCI</p> <p>11 Dallas that I never retrieved.</p> <p>12 Q. Did you make attempts to retrieve</p> <p>13 it?</p> <p>14 A. Yes. I actually called SCI Dallas</p> <p>15 and tried to get my property. They said it</p> <p>16 was destroyed after six months.</p> <p>17 Q. When did you call?</p> <p>18 A. I probably called -- I got off of</p> <p>19 house arrest in -- I got off house arrest</p> <p>20 around or about August 1st of 2020. Somewhere</p> <p>21 around that time I called SCI Dallas trying to</p> <p>22 retrieve my property, and they told me that</p> <p>23 they only held onto it for a certain time.</p> <p>24 And I was willing to drive up there and get my</p>	<p style="text-align: right;">Page 134</p> <p>1 papers to say exactly where the original</p> <p>2 landed. I really don't know.</p> <p>3 But to answer your other</p> <p>4 question, I was on house arrest and I</p> <p>5 didn't have a means of getting up to SCI</p> <p>6 Dallas to retrieve my property. I</p> <p>7 couldn't leave the house. The only thing</p> <p>8 I could do was go to court.</p> <p>9 MS. ROSENTHAL: I'm going to</p> <p>10 mark a document that I'm going to -- I'm</p> <p>11 going to mark another document as Exhibit</p> <p>12 Outlaw Exhibit-8.</p> <p>13 - - -</p> <p>14 (Exhibit Outlaw-8 marked for</p> <p>15 identification by counsel.)</p> <p>16 - - -</p> <p>17 BY MS. ROSENTHAL:</p> <p>18 Q. It's a two-page document Bates</p> <p>19 marked DAO02499 to DAO02500.</p> <p>20 Do you recognize this document as an</p> <p>21 affidavit purportedly signed by Katima Jackson</p> <p>22 on September 7, 2013?</p> <p>23 A. I mean, I never -- I'm not familiar</p> <p>24 with this actual piece of paper. It look like</p>

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<p style="text-align: right;">Page 135</p> <p>1 a copy to me, but I'm familiar with the</p> <p>2 affidavit Katima signed, yes.</p> <p>3 Q. Who had that original?</p> <p>4 A. Katima.</p> <p>5 Q. Katima kept the original?</p> <p>6 A. I'm not a hundred percent sure. I</p> <p>7 know whenever I got a hold to it, it was</p> <p>8 always a copy. I never had the original to</p> <p>9 say who --</p> <p>10 Q. Did -- sorry. Go ahead.</p> <p>11 A. I'm not qualified to answer that</p> <p>12 question.</p> <p>13 Q. Because you never had the original;</p> <p>14 you were sent a copy to begin with?</p> <p>15 COURT REPORTER: I'm sorry.</p> <p>16 Was that a -- what answer was that?</p> <p>17 THE WITNESS: I'm not qualified</p> <p>18 to answer that question because I never</p> <p>19 had the original to say where exactly</p> <p>20 it's at.</p> <p>21 BY MS. ROSENTHAL:</p> <p>22 Q. Were you sent the copy by Katima</p> <p>23 Jackson or were you sent the copy by Monique?</p> <p>24 A. I was sent to it by Monique.</p>	<p style="text-align: right;">Page 137</p> <p>1 Mr. Outlaw, I have located Lemuel Bar and I</p> <p>2 have written the attached letter to him. I</p> <p>3 will be in touch with you as soon as I receive</p> <p>4 a response."</p> <p>5 I'll represent to you that nowhere</p> <p>6 in the production of any third party or</p> <p>7 yourself is the letter that's being referred</p> <p>8 to in this letter to you. Do you know where</p> <p>9 it is?</p> <p>10 A. No. I have no idea, but I could</p> <p>11 reach out to Janis Smarro and see if she has</p> <p>12 it. I don't know. But I don't know where the</p> <p>13 original at.</p> <p>14 I explained to you that I gave you</p> <p>15 everything that I had. My original file, I</p> <p>16 gave everything to Ed. So Ed could have it.</p> <p>17 Besides that, it could have got lost at SCI</p> <p>18 Dallas. I can't give you an accurate answer</p> <p>19 to that, because I really don't know. All the</p> <p>20 law work I had and everything I had</p> <p>21 personally, it got left at SCI Dallas due to</p> <p>22 me transitioning from jail.</p> <p>23 Q. But you said that you frequently or</p> <p>24 usually sent Monique a copy of everything too?</p>
<p style="text-align: right;">Page 136</p> <p>1 Q. Do you have any idea where the</p> <p>2 original is? Sorry. Strike that. I think</p> <p>3 you already answered the question.</p> <p>4 MS. ROSENTHAL: I want to mark</p> <p>5 as Exhibit -- Outlaw Exhibit-8 --</p> <p>6 MR. VAN NAARDEN: 9.</p> <p>7 COURT REPORTER: 9.</p> <p>8 MS. ROSENTHAL: -- 9 a one-page</p> <p>9 document Bates marked PLAINTIFF06888.</p> <p>10 - - -</p> <p>11 (Exhibit Outlaw-9 marked for</p> <p>12 identification by counsel.)</p> <p>13 - - -</p> <p>14 BY MS. ROSENTHAL:</p> <p>15 Q. Do you recognize this document as a</p> <p>16 letter that appears to be written by Janis</p> <p>17 Smarro to you?</p> <p>18 A. I mean, I don't remember this</p> <p>19 letter, but now that you putting it in front</p> <p>20 of me, I still don't remember it, but I could</p> <p>21 believe she sent it to me, yes.</p> <p>22 Q. She was a former attorney of yours?</p> <p>23 A. Yes.</p> <p>24 Q. And the letter reads, "Dear</p>	<p style="text-align: right;">Page 138</p> <p>1 A. Yeah. I sent Monique a lot of</p> <p>2 things. I can't say what, but, yeah, whatever</p> <p>3 Monique had before she got rid of or whatever</p> <p>4 she did, she gave Ed a copy of it. So</p> <p>5 whatever I had, y'all got.</p> <p>6 Q. How do you know she gave Ed a copy</p> <p>7 of everything she had?</p> <p>8 A. She did. That's how Ed got my file.</p> <p>9 Q. My question is, how do you know that</p> <p>10 Monique gave Ed a copy of everything that she</p> <p>11 had?</p> <p>12 A. She told me that everything she had,</p> <p>13 Ed has a copy of.</p> <p>14 Q. Do you remember what was in the</p> <p>15 attached letter?</p> <p>16 A. This was in 2008. It's impossible</p> <p>17 for me to remember what was in that letter. I</p> <p>18 do not remember. I apologize. I don't</p> <p>19 remember. I'm sorry.</p> <p>20 Q. Do you remember whether she received</p> <p>21 response to the letter?</p> <p>22 A. Again, it was in 2008. I don't</p> <p>23 remember. I'm sorry. I don't remember.</p> <p>24 Q. And am I correct that Lemuel Bar is</p>

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<p style="text-align: right;">Page 139</p> <p>1 a witness that you disclosed as someone who</p> <p>2 may attest to your innocence in this case?</p> <p>3 A. From my understanding, Lemuel Bar</p> <p>4 was questioned by the police. He gave</p> <p>5 favorable testimony that never surfaced, and</p> <p>6 that was that.</p> <p>7 Q. Do you have any belief or</p> <p>8 understanding that he may be called as a</p> <p>9 witness on your behalf in this litigation?</p> <p>10 A. Not that I know of. I don't know.</p> <p>11 Q. But you would agree that he is an</p> <p>12 individual who could be relevant to the</p> <p>13 litigation because of his statement that you</p> <p>14 just said he gave to police?</p> <p>15 A. Yeah. From my understanding, he</p> <p>16 gave some form of statement to the police that</p> <p>17 nobody never saw.</p> <p>18 Q. I want to show you a document that</p> <p>19 I'm going to mark as Outlaw-10. It's a</p> <p>20 two-page document Bates marked PLAINTIFF17813</p> <p>21 to PLAINTIFF17814.</p> <p>22 - - -</p> <p>23 (Exhibit Outlaw-10 marked for</p> <p>24 identification by counsel.)</p>	<p style="text-align: right;">Page 141</p> <p>1 affidavit?</p> <p>2 A. Yeah. I had the copy.</p> <p>3 Q. Do you know who had the original?</p> <p>4 A. I believe Chris, because it came</p> <p>5 from him.</p> <p>6 Q. Do you have any reason to believe</p> <p>7 Chris made a copy of the affidavit for himself</p> <p>8 and then -- or retained the original and then</p> <p>9 gave a copy to Monique as opposed to giving</p> <p>10 her the original of the affidavit?</p> <p>11 A. I don't know what Chris did. I'm</p> <p>12 sorry.</p> <p>13 Q. Okay. So you would think that</p> <p>14 either Chris has an original of the affidavit</p> <p>15 or Monique would have an original of the</p> <p>16 affidavit?</p> <p>17 A. I don't know who has the original.</p> <p>18 I really don't know.</p> <p>19 Q. And you would agree that based on</p> <p>20 what you said about the Katima Jackson</p> <p>21 authorized visitor sheet, it's important to</p> <p>22 look at originals in order to determine their</p> <p>23 authenticity; is that correct?</p> <p>24 A. Excuse me. Can you repeat the</p>
<p style="text-align: right;">Page 140</p> <p>1 - - -</p> <p>2 BY MS. ROSENTHAL:</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. It's an affidavit from Chris.</p> <p>5 Q. It looks like it's an affidavit --</p> <p>6 A. Yeah. It looks like it's an</p> <p>7 affidavit from Chris, but the actual document,</p> <p>8 it's hard for me to remember everything on my</p> <p>9 case, every nook and cranny.</p> <p>10 Q. To describe it for the record, does</p> <p>11 it look like an affidavit that appears to be</p> <p>12 written by Chris Holder dated September 30,</p> <p>13 2014?</p> <p>14 A. Yes.</p> <p>15 Q. Am I correct that this affidavit was</p> <p>16 sent to you by Monique in prison?</p> <p>17 A. More than likely. I can't a hundred</p> <p>18 percent say if it was sent by Monique or not,</p> <p>19 but more than likely. Monique is like my</p> <p>20 go-to person like, so...</p> <p>21 Q. Do you remember ever seeing an</p> <p>22 original of this affidavit?</p> <p>23 A. No. I never had the original.</p> <p>24 Q. You never had the original of this</p>	<p style="text-align: right;">Page 142</p> <p>1 question?</p> <p>2 Q. Well, when you were looking at the</p> <p>3 Katima Jackson sign-in sheet, which we</p> <p>4 previously marked as an exhibit during this</p> <p>5 deposition, you very much wanted to see the</p> <p>6 original in order to say whether it was</p> <p>7 something that you had written?</p> <p>8 A. Yeah. Whether it was something that</p> <p>9 I written, yes.</p> <p>10 Q. Would the same principle potentially</p> <p>11 apply here?</p> <p>12 A. No. Why would it? This is not</p> <p>13 something that belongs to me. I don't have no</p> <p>14 reason to second guess it. It's something</p> <p>15 that was beneficial to me proving my</p> <p>16 innocence. I didn't second guess it at all.</p> <p>17 Q. Well, do you think the defendants in</p> <p>18 this case would have an interest in -- if</p> <p>19 it's -- sorry. Strike that.</p> <p>20 If it's beneficial to proving your</p> <p>21 innocence, would it be something that the</p> <p>22 defendants would be interested in</p> <p>23 understanding whether it was authentic or not?</p> <p>24 MR. VAN NAARDEN: Objection;</p>

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<p style="text-align: right;">Page 143</p> <p>1 speculation.</p> <p>2 THE WITNESS: I don't</p> <p>3 understand what the question is.</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. All right. I'll withdraw the</p> <p>6 question.</p> <p>7 I want to show you a document that</p> <p>8 I'm going to mark as Outlaw Exhibit-11. It's</p> <p>9 a one-page document Bates marked</p> <p>10 PLAINTIFF17811.</p> <p>11 - - -</p> <p>12 (Exhibit Outlaw-11 marked for</p> <p>13 identification by counsel.)</p> <p>14 - - -</p> <p>15 BY MS. ROSENTHAL:</p> <p>16 Q. Just for the record, would you agree</p> <p>17 with me that it appears to be an affidavit</p> <p>18 signed by Wesley Harmon dated January 21st,</p> <p>19 2015?</p> <p>20 A. That's correct.</p> <p>21 Q. Do you recognize this document?</p> <p>22 A. Vaguely, but no. I mean, I know</p> <p>23 Wesley Harmon gave a statement in the case --</p> <p>24 I mean, an affidavit. This particular paper,</p>	<p style="text-align: right;">Page 145</p> <p>1 my hand first, but because it came from</p> <p>2 my attorney, I had no reason to second</p> <p>3 guess it.</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. This came from your attorney?</p> <p>6 A. This right here? No, this didn't</p> <p>7 come from my attorney. This came like third</p> <p>8 party from somebody either from -- I ain't</p> <p>9 sure exactly, but Wesley Harmon is a friend of</p> <p>10 mine. Like I know Wesley Harmon for a long</p> <p>11 time, and throughout my years of</p> <p>12 incarceration, initially when I had got</p> <p>13 arrested or whatever, he reached out to</p> <p>14 somebody in my family and signed an affidavit</p> <p>15 stating what he saw.</p> <p>16 Q. Was it -- sorry. Strike that.</p> <p>17 Did Monique send you this affidavit?</p> <p>18 A. I don't think so, but I'm not a</p> <p>19 hundred percent sure.</p> <p>20 Q. If she sent it to you, you believe</p> <p>21 she would have a copy?</p> <p>22 A. I don't understand what you saying.</p> <p>23 If Monique sent --</p> <p>24 Q. If she sent it to you, you don't</p>
<p style="text-align: right;">Page 144</p> <p>1 I don't know, but yeah.</p> <p>2 Q. Did you ever have an original of</p> <p>3 this affidavit?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Do you know whether --</p> <p>6 A. But I don't think so.</p> <p>7 Q. Do you know who would have an</p> <p>8 original?</p> <p>9 A. More than likely, Wesley.</p> <p>10 Q. Why do you say "more than likely,</p> <p>11 Wesley"?</p> <p>12 A. Because it came from him.</p> <p>13 Q. Well, isn't it the case that when a</p> <p>14 number of witnesses signed affidavits on your</p> <p>15 behalf in 2018 and gave them to Ed Foster,</p> <p>16 they gave the originals to Ed Foster, not</p> <p>17 copies? Are you aware of that?</p> <p>18 MR. VAN NAARDEN: Objection.</p> <p>19 THE WITNESS: I wasn't there.</p> <p>20 I don't know. I mean, this wasn't</p> <p>21 nothing that I was adamant about, to be</p> <p>22 honest with you, but if they would have</p> <p>23 gave it to me personally, then I would</p> <p>24 have wanted the original if it was put in</p>	<p style="text-align: right;">Page 146</p> <p>1 have any memory of it being an original that</p> <p>2 she sent; is that correct?</p> <p>3 A. I don't know. I got sent this</p> <p>4 document so long ago when I was incarcerated,</p> <p>5 like it's like vague to say where the original</p> <p>6 is and where it isn't. I don't know.</p> <p>7 Q. Other than asking Monique, Wesley</p> <p>8 Harmon, or Ed Foster, do you have any other</p> <p>9 idea of where the original might reside if</p> <p>10 those individuals do not have it?</p> <p>11 A. I mean, it's a simple solution to</p> <p>12 this. Wesley Harmon is still alive. He gave</p> <p>13 the affidavit. He's around. He could be</p> <p>14 questioned about his affidavit.</p> <p>15 I have trouble answering questions</p> <p>16 about something that he signed and that he</p> <p>17 notarized or whatever the case may be. When I</p> <p>18 received it --</p> <p>19 Q. My question --</p> <p>20 A. -- I didn't -- I'm not sure if I</p> <p>21 received the original. I think I had a copy.</p> <p>22 Q. My question is just a little</p> <p>23 different. It's whether -- in thinking about</p> <p>24 whether there could be some other party -</p>

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<p>Page 147</p> <p>1 attorney, investigator - that might have a</p> <p>2 copy of this that we could reach out to, is</p> <p>3 there anyone else other than those individuals</p> <p>4 that you can think of who could have a copy?</p> <p>5 A. If I -- if anything I have, Ed has</p> <p>6 it. I gave everything -- everything I had I</p> <p>7 disclosed to Ed. I gave him all my paperwork.</p> <p>8 Q. You said you had a copy of it. I</p> <p>9 can tell you Ed Foster does not have an</p> <p>10 original of this.</p> <p>11 A. I mean, I don't know what he did</p> <p>12 with his file, but I'm just telling you I gave</p> <p>13 Ed everything that I had.</p> <p>14 Q. But you said you didn't have an</p> <p>15 original?</p> <p>16 A. Yeah. I don't know if I had the</p> <p>17 original or not, but more than likely, I'm</p> <p>18 believing I had a copy. But whatever I had on</p> <p>19 this, I sent to Ed, whatever it was.</p> <p>20 Q. Okay. I want to play --</p> <p>21 A. But it's too long ago for me to</p> <p>22 remember like originals and copies and so</p> <p>23 forth and so on. Like this was years ago.</p> <p>24 Q. If you had had an original, would</p>	<p>Page 149</p> <p>1 MR. VAN NAARDEN: 12.</p> <p>2 MS. ROSENTHAL: 12. I'm</p> <p>3 horrible at this.</p> <p>4 It's a call that was placed</p> <p>5 from Donald Outlaw on March 7, 2019 at</p> <p>6 9:48:31 to 215-669-9861, and the clip</p> <p>7 covers 8:15 to 8 -- no. Sorry. The clip</p> <p>8 covers 0 minutes to 3:38.</p> <p>9 MR. VAN NAARDEN: Hold on.</p> <p>10 Before you play it, just so we have a</p> <p>11 foundation, where was this call placed</p> <p>12 from? Where do these records come from?</p> <p>13 Is this Philly? Is this DOC? Something</p> <p>14 else?</p> <p>15 MS. ROSENTHAL: I again believe</p> <p>16 that this -- I'm fairly confident that</p> <p>17 this one is from the Philadelphia</p> <p>18 Department of Prisons.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. You were in the Philadelphia</p> <p>21 Department of Prisons in March 2019?</p> <p>22 A. I'm not a hundred percent sure.</p> <p>23 Q. Okay.</p> <p>24 MS. ROSENTHAL: I think it is.</p>
<p>Page 148</p> <p>1 you have saved it throughout the life of your</p> <p>2 criminal case until the nolle pros?</p> <p>3 A. I'm not sure what I would have did,</p> <p>4 but more than likely, I would have kept it.</p> <p>5 Q. How come?</p> <p>6 A. Because I was fighting for my life.</p> <p>7 Q. And you would think it would be</p> <p>8 important to have the original; is that</p> <p>9 correct?</p> <p>10 A. Yeah. My goal was to get out of</p> <p>11 jail. Like I was keeping everything I needed</p> <p>12 to keep, a track record of everything until I</p> <p>13 conquered my goal. My goal was being released</p> <p>14 from prison.</p> <p>15 Q. So it matters whether it's the</p> <p>16 original or a copy?</p> <p>17 A. No. It didn't matter, but my goal,</p> <p>18 like I said, was being released from prison</p> <p>19 for a crime I didn't commit. That was my</p> <p>20 focal point. I couldn't think past nothing</p> <p>21 else.</p> <p>22 MS. ROSENTHAL: I'm going to</p> <p>23 play another tape that I'm going to mark</p> <p>24 as Exhibit-11.</p>	<p>Page 150</p> <p>1 Sorry. I don't have Bates numbers. I</p> <p>2 have it marked as Disk No. 4, Call No.</p> <p>3 81. So it's Call No. 81 on one of the</p> <p>4 CDs. Okay.</p> <p>5 (Audio being played.)</p> <p>6 BY MS. ROSENTHAL:</p> <p>7 Q. So do you recognize your voice on --</p> <p>8 A. Yes.</p> <p>9 Q. -- that?</p> <p>10 Sorry. Just for the court reporter,</p> <p>11 just make sure I ask the question fully.</p> <p>12 Do you recognize your voice on that</p> <p>13 tape?</p> <p>14 A. Yes. That was me talking to my</p> <p>15 sister.</p> <p>16 Q. And your sister was Shanita Starr?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then I'm just going to</p> <p>19 ask you to confirm that certain statements</p> <p>20 were made, not the context behind them, but</p> <p>21 just the fact whether or not they were said</p> <p>22 and I'm accurately characterizing the tape.</p> <p>23 Did you make the statement that your</p> <p>24 legal mail and your legal shit, you were going</p>

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<p>Page 151</p> <p>1 to burn that?</p> <p>2 A. Yeah, I made that statement.</p> <p>3 Q. Did you also say that you think it's</p> <p>4 important to keep the stuff that's beneficial</p> <p>5 to you?</p> <p>6 A. No. I said that me holding onto</p> <p>7 this paper for so long end up being beneficial</p> <p>8 for me, because it was a cover page of my</p> <p>9 discovery and they were saying that they</p> <p>10 disclosed something to me that they didn't,</p> <p>11 but because I still had my law work, I had the</p> <p>12 cover page, I could prove that they didn't</p> <p>13 disclose whatever they was alleging they</p> <p>14 disclosed to me, and it helped me prove that</p> <p>15 they was withholding evidence in my case.</p> <p>16 Q. Right. You were talking about those</p> <p>17 discovery cover sheets. You said that you had</p> <p>18 held onto them for 16 years and they helped</p> <p>19 and with your Brady claim?</p> <p>20 A. Yes.</p> <p>21 Q. But isn't it correct that you were</p> <p>22 also saying that it's important going forward</p> <p>23 to keep stuff that's beneficial to you?</p> <p>24 A. Yeah. I was talking about my</p>	<p>Page 153</p> <p>1 speaking about what's important and</p> <p>2 beneficial, I was telling her I took courses</p> <p>3 at Stratford Career Institution, and I told</p> <p>4 her that just in case I got to go through the</p> <p>5 modules and I get a job in that field, I can</p> <p>6 go through the modules and look back at</p> <p>7 certain stuff and it could be beneficial to</p> <p>8 me.</p> <p>9 And I was saying like my grand-mom,</p> <p>10 her name was Betty, she was a hoarder. She</p> <p>11 will hoard a lot of stuff, and I don't like to</p> <p>12 have that characteristic of having a bunch of</p> <p>13 stuff hoarded in my house. So like me</p> <p>14 personally, when I feel like anything is</p> <p>15 piling up, I get rid of it.</p> <p>16 Q. So if you had law work that wasn't</p> <p>17 necessarily beneficial to support your case,</p> <p>18 there's really no reason to keep it?</p> <p>19 A. No. That's not true at all. If I</p> <p>20 had law work that wasn't beneficial to me, I</p> <p>21 still understand that whether it's beneficial</p> <p>22 or not, I got to disclose it.</p> <p>23 Anything that was beneficial to me</p> <p>24 or wasn't beneficial or whatever, anything I</p>
<p>Page 152</p> <p>1 degrees and my accomplishments that, you know,</p> <p>2 I made in jail. But as far as my law work, I</p> <p>3 didn't see how it was beneficial to me.</p> <p>4 Q. You didn't see how any of the</p> <p>5 underlying paperwork in your criminal case</p> <p>6 could be beneficial at all in the civil case?</p> <p>7 A. All my paperwork that was</p> <p>8 beneficial, I handed over. Everything that I</p> <p>9 had, I gave up. I didn't hold back nothing</p> <p>10 or, you know, maliciously withheld anything.</p> <p>11 So anything that I thought was of any</p> <p>12 importance, I gave up. Ed got everything that</p> <p>13 I felt like was important. My stuff that I</p> <p>14 had and I was, you know, telling my sister if</p> <p>15 they mail my stuff, I don't care about that</p> <p>16 law work and, in my words, you can set this</p> <p>17 shit on fire. It's a trigger for me.</p> <p>18 Q. And when you're saying that you</p> <p>19 would give him anything that was important or</p> <p>20 beneficial, are you referring to important or</p> <p>21 beneficial to your case or are you including</p> <p>22 anything that would be relevant as evidence in</p> <p>23 this matter?</p> <p>24 A. When I was -- I believe when I was</p>	<p>Page 154</p> <p>1 ran across, I disclosed. And I'm stating this</p> <p>2 on the record. Anything that came my way that</p> <p>3 was beneficial to me or whatever the case may</p> <p>4 be, I disclosed everything. I disclosed</p> <p>5 everything I had in the case. I never</p> <p>6 maliciously withheld anything. I never tried</p> <p>7 to get rid of anything, to elude anything or</p> <p>8 anybody. My personal box of the stuff, I</p> <p>9 never received from Dallas. That was it.</p> <p>10 Q. But you're talking about when you're</p> <p>11 saying that you never withheld anything or --</p> <p>12 you're talking about for your criminal</p> <p>13 proceedings, which would you understand that</p> <p>14 there's different rules of discovery and the</p> <p>15 issues are slightly different in the civil and</p> <p>16 the criminal?</p> <p>17 A. I'm saying in every aspect of civil,</p> <p>18 criminal, or any time I was ever asked to</p> <p>19 disclose anything, I complied to the best of</p> <p>20 my ability. I did everything I could to</p> <p>21 comply. If I didn't disclose it, it was</p> <p>22 because I couldn't, I was unable to.</p> <p>23 Q. So when this call was made in June</p> <p>24 of 2019, this lawsuit had not been filed, so</p>

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<p style="text-align: right;">Page 155</p> <p>1 there was no request made of you to disclose</p> <p>2 anything. My question is whether your</p> <p>3 statement was that you would keep stuff that</p> <p>4 was beneficial to you, like, for example, the</p> <p>5 Brady stuff ended up being beneficial to you</p> <p>6 in the underlying criminal case?</p> <p>7 MR. VAN NAARDEN: Objection.</p> <p>8 There's like five statements in there.</p> <p>9 Objection to the form.</p> <p>10 THE WITNESS: To answer your</p> <p>11 question, if you go back through the</p> <p>12 recording, what I was saying was</p> <p>13 beneficial was my modules to the courses</p> <p>14 I took, and I stated why it was</p> <p>15 beneficial. If I ever get a job in that</p> <p>16 field, I could go back through the</p> <p>17 module, comb through it, and it would be</p> <p>18 able to help me out.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. That was one example, right?</p> <p>21 A. That's exactly what I was talking</p> <p>22 about. It wasn't -- that's what I was talking</p> <p>23 about why holding onto it.</p> <p>24 Q. Didn't you also give the example of</p>	<p style="text-align: right;">Page 157</p> <p>1 was going to get dropped.</p> <p>2 Q. Were you referring to the fact that</p> <p>3 certain documents could be relevant depending</p> <p>4 on what happens on the back end, meaning if</p> <p>5 your case was going to be dropped, there would</p> <p>6 be potential litigation?</p> <p>7 A. No. The back end is more so with me</p> <p>8 being released from jail. Like I can't throw</p> <p>9 nothing away now until I get out. I was</p> <p>10 incarcerated at the time.</p> <p>11 Q. I want to -- I just want to play</p> <p>12 that last little bit again, because I'm a</p> <p>13 little confused by what you're saying. Hold</p> <p>14 on.</p> <p>15 (Audio being played.)</p> <p>16 So did you say that -- is it that</p> <p>17 Shanita said, well, you might -- it might be a</p> <p>18 good idea to keep those papers, referring to</p> <p>19 legal papers, and then did you say, well,</p> <p>20 yeah, it depends on what's going to happen on</p> <p>21 the back end how it's going to play out?</p> <p>22 A. That was --</p> <p>23 MR. VAN NAARDEN: Objection.</p> <p>24 THE WITNESS: -- exactly what I</p>
<p style="text-align: right;">Page 156</p> <p>1 the Brady evidence?</p> <p>2 A. Yeah. Me giving an example of the</p> <p>3 Brady evidence was an example how me holding</p> <p>4 onto it benefited me. And my other thing was</p> <p>5 with my modules, if I hold onto it, it could</p> <p>6 benefit me with me having a job in that field.</p> <p>7 Q. Did you end up losing your modules</p> <p>8 or do you still have them?</p> <p>9 A. No, I don't have them.</p> <p>10 Q. Were they also left at the prison</p> <p>11 and not found?</p> <p>12 A. Yeah. It was at my prison -- I</p> <p>13 mean, it was in my property. The footlocker I</p> <p>14 was speaking of, I never retrieved. The TV,</p> <p>15 the sneakers, the tablet, all that stuff is up</p> <p>16 at SCI Dallas.</p> <p>17 Q. Did you hear that at the end of the</p> <p>18 call, did you hear you say that, well, it</p> <p>19 depends on the back end how this is going to</p> <p>20 play out?</p> <p>21 A. Right.</p> <p>22 Q. Were you referring to litigation?</p> <p>23 A. I was referring to I was still in</p> <p>24 the process of knowing whether or not my case</p>	<p style="text-align: right;">Page 158</p> <p>1 said.</p> <p>2 BY MS. ROSENTHAL:</p> <p>3 Q. And that was referring, wasn't it,</p> <p>4 to the fact that if it played out in your</p> <p>5 favor, then on the back end there might be use</p> <p>6 for the papers in other litigation?</p> <p>7 A. No. That's not what I meant.</p> <p>8 Q. What did you mean?</p> <p>9 A. I was saying I was holding onto the</p> <p>10 papers until I be released from prison.</p> <p>11 Q. Did you end up mailing any documents</p> <p>12 to Shanita?</p> <p>13 A. No. I didn't send Shanita anything.</p> <p>14 I was trying to set it up where Shanita get</p> <p>15 all my stuff from SCI Dallas, but she wasn't</p> <p>16 able to do it.</p> <p>17 Q. Why not?</p> <p>18 A. For whatever reason, I had to</p> <p>19 request it myself and Shanita wasn't able to</p> <p>20 retrieve it.</p> <p>21 Q. Okay. But you waited six or nine</p> <p>22 months to do that?</p> <p>23 A. Yeah. I didn't care too much</p> <p>24 about -- I mean, I had a life sentence. The</p>

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<p style="text-align: right;">Page 159</p> <p>1 TV, the tablet, and the other stuff, like it's</p> <p>2 all memories of incarceration. This is not</p> <p>3 no -- what use do I have? I'm out in the</p> <p>4 world like.</p> <p>5 Q. I'm not talking about your tablet</p> <p>6 and TVs. I'm talking about documents that</p> <p>7 would be relevant to this case.</p> <p>8 A. Yeah. I mean, I understand what</p> <p>9 you're saying, but, you know, at that moment,</p> <p>10 them documents didn't mean as much as my</p> <p>11 freedom to me. I didn't have no way to</p> <p>12 foresee me needing them documents. Only thing</p> <p>13 I was thinking about was my freedom.</p> <p>14 Q. Did you take any steps when you left</p> <p>15 to notify the DOC that there was legal</p> <p>16 documentation and it was important that it was</p> <p>17 not destroyed?</p> <p>18 A. I reached out to the DOC to try to</p> <p>19 retrieve my property. They said they</p> <p>20 destroyed it. I didn't know what to do from</p> <p>21 there.</p> <p>22 Q. Did you tell them when you left that</p> <p>23 it contained legal documents?</p> <p>24 A. Yeah. They knew exactly what it</p>	<p style="text-align: right;">Page 161</p> <p>1 whole file and had a copy of everything. Ed</p> <p>2 had a copy of my file. Ed had the main source</p> <p>3 of everything with him.</p> <p>4 Q. Well, isn't it the case that you or</p> <p>5 Monique would have certain texts, e-mail,</p> <p>6 letter, communications with these individuals</p> <p>7 and those weren't necessarily part of your</p> <p>8 file and turned over?</p> <p>9 A. Excuse me?</p> <p>10 Q. Would you write Chris Holder? Would</p> <p>11 Chris Holder write you?</p> <p>12 A. No. I wasn't writing Chris Holder.</p> <p>13 Q. You've never sent a letter to Chris</p> <p>14 Holder in prison?</p> <p>15 A. I'm not a hundred percent sure.</p> <p>16 Since Chris Holder been arrested this time?</p> <p>17 Q. Period. Has he sent -- did he send</p> <p>18 you a letter in prison? Did you send him a</p> <p>19 letter in prison?</p> <p>20 A. Yeah. Chris Holder has sent me</p> <p>21 letters in prison, and it's up there in SCI</p> <p>22 Dallas.</p> <p>23 Q. Was that any letter that he --</p> <p>24 A. When I was incarcerated --</p>
<p style="text-align: right;">Page 160</p> <p>1 contained, but I was falsely under the</p> <p>2 impression that I was returning back to SCI</p> <p>3 Dallas. I didn't know that I was being</p> <p>4 released from CFCF. I had no way of knowing</p> <p>5 that I was going to be released from CFCF. I</p> <p>6 had no way of knowing that my petition was</p> <p>7 going to be granted. I had no way of knowing</p> <p>8 how things was going to play out.</p> <p>9 Q. And so when you didn't get -- when</p> <p>10 you tried to reach out to get the documents</p> <p>11 and you found they were destroyed, did you</p> <p>12 have -- did it occur to you to have any</p> <p>13 conversation with Monique to say, hey, you</p> <p>14 should -- it's a good thing you have a copy of</p> <p>15 the documents, you should retain them because</p> <p>16 mine are gone?</p> <p>17 A. No. When I had a conversation to</p> <p>18 Monique about my property, she told me that Ed</p> <p>19 had a copy of everything. So I wasn't worried</p> <p>20 about the documents she had, because Ed has a</p> <p>21 copy of everything or Ed has the originals or</p> <p>22 whatever it may be. Like Ed has my main file.</p> <p>23 Ed has everything. Like Ed went to the</p> <p>24 District Attorney Office, combed through their</p>	<p style="text-align: right;">Page 162</p> <p>1 Christopher Holder is a friend of mine. It's</p> <p>2 been times we corresponded through letters.</p> <p>3 Q. And if you corresponded with him</p> <p>4 through letters, would Ed Foster necessarily</p> <p>5 have a copy of those if you weren't going to</p> <p>6 introduce them as evidence in your case?</p> <p>7 A. I mean, I would never have felt the</p> <p>8 need to give Ed letters that was before Chris</p> <p>9 Holder even came forward. Like it wouldn't</p> <p>10 make sense to like give him letters -- like</p> <p>11 Chris Holder maybe wrote me a handful of</p> <p>12 times, and I never seen no significance in</p> <p>13 overturning some letters that was talking</p> <p>14 about his mom dog, the cat and so forth and so</p> <p>15 on.</p> <p>16 But in a nutshell, around the time</p> <p>17 Chris Holder sent me this affidavit or I got</p> <p>18 the affidavit, I didn't receive a letter from</p> <p>19 him ever again. He went to jail and I was</p> <p>20 released. I don't remember having no letters</p> <p>21 from Chris and -- our communication, I went to</p> <p>22 visit Chris before. I sent Chris money. But</p> <p>23 as far as us communicating through the mail, I</p> <p>24 don't write letters. I don't like to do it.</p>

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<p style="text-align: right;">Page 163</p> <p>1 Q. Well, would it surprise you that</p> <p>2 Monique testified that she had correspondence</p> <p>3 with Charles Paladino and she would routinely</p> <p>4 throw it away?</p> <p>5 A. Excuse me? Can you repeat that?</p> <p>6 Q. Would it surprise you if I told you</p> <p>7 that Monique testified during her deposition</p> <p>8 that she would routinely have during certain</p> <p>9 years written communications with Charles</p> <p>10 Paladino and she would throw the letters that</p> <p>11 she received away?</p> <p>12 MR. VAN NAARDEN: Objection.</p> <p>13 THE WITNESS: I'm not</p> <p>14 understanding that question. What are</p> <p>15 you asking me?</p> <p>16 BY MS. ROSENTHAL:</p> <p>17 Q. I'm asking you if that would</p> <p>18 surprise you, or you would expect all</p> <p>19 communications with witnesses in the case to</p> <p>20 be turned over to Ed Foster?</p> <p>21 MR. VAN NAARDEN: Objection.</p> <p>22 THE WITNESS: So you're asking</p> <p>23 me if Monique received a letter from</p> <p>24 anybody in the case, am I expecting her</p>	<p style="text-align: right;">Page 165</p> <p>1 A. I mean, I don't know what else to</p> <p>2 tell you.</p> <p>3 Q. So when he has a copy of --</p> <p>4 A. Everything I had, I turned over.</p> <p>5 Q. He has a copy -- well, you're saying</p> <p>6 two things. You're saying, number one,</p> <p>7 everything that was asked for, you turned</p> <p>8 over.</p> <p>9 A. Everything that I had, was in my</p> <p>10 possession, I turned over. And if I couldn't</p> <p>11 turn over it, it's because I didn't have it,</p> <p>12 but I looked for it diligently.</p> <p>13 Q. Well, what about things that weren't</p> <p>14 asked for?</p> <p>15 A. Anything that I had that was</p> <p>16 pertaining to the case, I handed over.</p> <p>17 Q. Well, that's why I'm asking you</p> <p>18 whether you would consider certain</p> <p>19 communication --</p> <p>20 A. It don't matter if --</p> <p>21 Q. Wait. Let me just finish --</p> <p>22 A. -- it was asked for or not.</p> <p>23 Q. Let me just finish my question.</p> <p>24 A. If I had it, I turned it over.</p>
<p style="text-align: right;">Page 164</p> <p>1 to turn it over or whatever the case may</p> <p>2 be?</p> <p>3 BY MS. ROSENTHAL:</p> <p>4 Q. Yes.</p> <p>5 A. If Monique received any -- I didn't</p> <p>6 know nothing about Monique receiving letters</p> <p>7 from Charles Paladino. So I can't accurately,</p> <p>8 you know, give you an answer to that, but it</p> <p>9 is -- I don't know nothing about that.</p> <p>10 Q. But if you received a communication</p> <p>11 with any of the witnesses that wasn't</p> <p>12 necessarily about your underlying case, that</p> <p>13 wouldn't be something that you would</p> <p>14 necessarily turn over to Ed Foster; is that</p> <p>15 correct?</p> <p>16 MR. VAN NAARDEN: Objection.</p> <p>17 THE WITNESS: In a nutshell,</p> <p>18 everything that they ever asked me to</p> <p>19 turn over that I had, I turned over. So</p> <p>20 that's that. Everything I ever had that</p> <p>21 was in my possession that was asked for,</p> <p>22 I turned over.</p> <p>23 BY MS. ROSENTHAL:</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 166</p> <p>1 Q. My question is whether you would</p> <p>2 consider communications with certain witnesses</p> <p>3 as pertinent to the case?</p> <p>4 MR. VAN NAARDEN: Objection.</p> <p>5 THE WITNESS: Repeat the</p> <p>6 question.</p> <p>7 BY MS. ROSENTHAL:</p> <p>8 Q. Well, you said that some of these</p> <p>9 witnesses are individuals who you grew up with</p> <p>10 who, you know, were your friends. If you were</p> <p>11 corresponding with them, would you consider</p> <p>12 that pertinent to the case and thus would you</p> <p>13 turn it over?</p> <p>14 A. As far as my criminal case, no. As</p> <p>15 my civil case, yes, I would hand over anything</p> <p>16 I had. My criminal case, if Chris wrote me,</p> <p>17 said, my dog bit James yesterday, happy</p> <p>18 birthday Don, have a good day, no, I wouldn't</p> <p>19 disclose it in my criminal case, but in my</p> <p>20 civil case, if Chris wrote me, said, my dog</p> <p>21 bit James, so forth and so on, I would</p> <p>22 disclose it from me talking to my attorney and</p> <p>23 seeing the importance of everything has to be</p> <p>24 disclosed. So, yeah, I would give you every</p>

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<p>1 and anything I had.</p> <p>2 Q. But the problem is that at the time,</p> <p>3 you made decisions potentially or others made</p> <p>4 decisions who were acting on your behalf, like</p> <p>5 Monique, to dispose of things under the</p> <p>6 criminal case rules?</p> <p>7 MR. VAN NAARDEN: Objection.</p> <p>8 THE WITNESS: I can't speak on</p> <p>9 anything Monique did. So I'm telling you</p> <p>10 that whatever was asked of me and</p> <p>11 Monique, it was disclosed.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. Okay. That makes sense.</p> <p>14 Have you had any text message</p> <p>15 communications with Jabril Jones recently?</p> <p>16 A. Yes.</p> <p>17 Q. And have you preserved those</p> <p>18 communications?</p> <p>19 MR. VAN NAARDEN: They were</p> <p>20 turned over to you.</p> <p>21 THE WITNESS: I gave it to my</p> <p>22 attorney.</p> <p>23 BY MS. ROSENTHAL:</p> <p>24 Q. Okay.</p>	<p>Page 167</p> <p>1 Q. So do you see under No. 2 on the</p> <p>2 first page of the Complaint, it says,</p> <p>3 "Mr. Outlaw ultimately spent sixteen years</p> <p>4 wrongfully incarcerated for these crimes,</p> <p>5 before his conviction was overturned, as a</p> <p>6 direct result of clear and unequivocal</p> <p>7 violations of his constitutional civil rights</p> <p>8 that led to his conviction"?</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you see on the next page,</p> <p>12 Paragraph 4, do you see the last clause refers</p> <p>13 to you having spent more than sixteen years</p> <p>14 wrongfully incarcerated for a murder that you</p> <p>15 did not --</p> <p>16 A. Yes, I see that.</p> <p>17 Q. -- commit?</p> <p>18 A. Yes.</p> <p>19 Q. And then look at the next page,</p> <p>20 Paragraph 10. Do you see there's reference to</p> <p>21 the fact that you were wrongfully convicted of</p> <p>22 the murder of Jamal Kelly and, as a result,</p> <p>23 served over sixteen years in jail and prison</p> <p>24 until previously withheld exculpatory evidence</p>
<p>Page 168</p> <p>1 MR. VAN NAARDEN: Just -- so</p> <p>2 you sent us Interrogatory that wasn't yet</p> <p>3 due, but as a courtesy, we sent them to</p> <p>4 you, I think, two days ago.</p> <p>5 MS. ROSENTHAL: Yeah. I</p> <p>6 couldn't tell what those --</p> <p>7 MR. VAN NAARDEN: That's fine.</p> <p>8 I'm just saying.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. But -- okay. I also want to</p> <p>11 return -- hopefully the audio will work -- to</p> <p>12 the question I asked you about what we marked</p> <p>13 as Exhibit-1. It was the Complaint. Do you</p> <p>14 have that document still?</p> <p>15 A. Is it Exhibit No. 3? Is that what</p> <p>16 you're speaking of?</p> <p>17 Q. No. Exhibit-1.</p> <p>18 A. Oh, I'm sorry.</p> <p>19 Q. The Complaint. And I ask you to</p> <p>20 turn to the first page of allegations, which</p> <p>21 is No. 4 on the top.</p> <p>22 Sorry. You're looking at the second</p> <p>23 page, I think.</p> <p>24 A. Oh, I'm sorry.</p>	<p>Page 170</p> <p>1 provided a basis for his exoneration?</p> <p>2 A. Yes. I see that as well.</p> <p>3 Q. So do each of these statements refer</p> <p>4 to the fact that as a result of what you</p> <p>5 allege to be wrongful conduct in this case,</p> <p>6 you spent 16 years in prison that you would</p> <p>7 not have otherwise; is that correct?</p> <p>8 A. Yes. That's absolutely correct.</p> <p>9 Q. And I had asked you earlier, I</p> <p>10 believe, whether it's true that ten of those</p> <p>11 years you would have been in prison anyways</p> <p>12 because of other convictions that you had</p> <p>13 obtained, and I believe your answer was no,</p> <p>14 that was not true. Did I hear you correctly?</p> <p>15 A. Yeah, you heard me correctly.</p> <p>16 Q. Okay. I want to play a tape that</p> <p>17 I'm going to mark as Exhibit --</p> <p>18 COURT REPORTER: 13.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. -- 13.</p> <p>21 MS. ROSENTHAL: I have this</p> <p>22 marked, Josh, as -- my notes say Disk No.</p> <p>23 4, Call No. 135, but, again, I'm confused</p> <p>24 what "disk" means.</p>

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<p>Page 171</p> <p>1 MR. VAN NAARDEN: Do we know</p> <p>2 the source?</p> <p>3 MS. ROSENTHAL: Well, I would</p> <p>4 assume it -- I'm sorry. I don't know the</p> <p>5 source. I don't know the source, and why</p> <p>6 don't we -- at a break, I will check on</p> <p>7 that.</p> <p>8 It is a call that was made from</p> <p>9 Chris Holder's account. He had called</p> <p>10 the number 267-456-8719 on February 17,</p> <p>11 2021 at 9:08:26, and the clip covers 3:05</p> <p>12 to 6:20.</p> <p>13 (Audio being played.)</p> <p>14 MS. ROSENTHAL: Sorry. I'm</p> <p>15 going to pause it.</p> <p>16 (Audio being played.)</p> <p>17 MS. ROSENTHAL: It's really</p> <p>18 hard to hear.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. Were you able to hear that at all?</p> <p>21 A. I mean, I vaguely heard it.</p> <p>22 Q. Was that Christopher Holder who you</p> <p>23 were talking to?</p> <p>24 A. Yes.</p>	<p>Page 173</p> <p>1 THE WITNESS: I'm sorry. My</p> <p>2 back is bad. Let me get up for a minute.</p> <p>3 (Audio being played.)</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. I understand that it may not be</p> <p>6 totally clear, but I'm just going to ask you</p> <p>7 questions to the extent that you were able to</p> <p>8 hear it.</p> <p>9 MS. ROSENTHAL: You object,</p> <p>10 Josh?</p> <p>11 MR. VAN NAARDEN: Yeah, I do</p> <p>12 object, and I even have concerns about</p> <p>13 him answering. I cannot just -- I cannot</p> <p>14 hear any aspect other than the one</p> <p>15 person. I don't know if that's Chris</p> <p>16 Holder or not, but there's one person</p> <p>17 whose voice I can clearly hear. To the</p> <p>18 extent that Don Outlaw is on that tape, I</p> <p>19 could not hear it, and I feel</p> <p>20 uncomfortable having my client answer</p> <p>21 questions regarding that recording.</p> <p>22 If you want to make certain</p> <p>23 representations to him, then that's fine,</p> <p>24 but I do have concerns about, you know,</p>
<p>Page 172</p> <p>1 Q. And did you recognize your voice as</p> <p>2 well?</p> <p>3 A. In some parts I did, some parts I</p> <p>4 didn't. It was like too low for me to like</p> <p>5 really...</p> <p>6 Q. Why don't I play it one more time</p> <p>7 and put the speaker next to you. I don't know</p> <p>8 what other option.</p> <p>9 MR. VAN NAARDEN: Just note my</p> <p>10 objection, because I think we're going to</p> <p>11 have a problem with transcribing this</p> <p>12 unless --</p> <p>13 MS. ROSENTHAL: They're not</p> <p>14 transcribing them, I was told.</p> <p>15 MR. VAN NAARDEN: Okay.</p> <p>16 THE WITNESS: I mean, I don't</p> <p>17 have a problem hearing. I heard it</p> <p>18 clearly, but I couldn't make out a lot of</p> <p>19 the stuff.</p> <p>20 BY MS. ROSENTHAL:</p> <p>21 Q. Let's just try one more time.</p> <p>22 MR. VAN NAARDEN: I couldn't</p> <p>23 hear it.</p> <p>24 (Audio being played.)</p>	<p>Page 174</p> <p>1 trying to confirm what's on that tape,</p> <p>2 because I certainly couldn't.</p> <p>3 BY MS. ROSENTHAL:</p> <p>4 Q. Well, I'm only going to ask you what</p> <p>5 you're able -- if you're not able to hear</p> <p>6 something, then please let me know.</p> <p>7 First of all, do you remember --</p> <p>8 MR. VAN NAARDEN: Just real</p> <p>9 quick. My concern is a little different.</p> <p>10 As his attorney, I need to be able to</p> <p>11 know what's on there too. It's not just</p> <p>12 about him. So I can properly defend the</p> <p>13 deposition. That's my concern.</p> <p>14 MS. ROSENTHAL: I understand</p> <p>15 that, and maybe we'll -- I'm going to</p> <p>16 proceed with questions, see how it goes,</p> <p>17 and maybe we'll find some other discovery</p> <p>18 device to ask about it.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. Do you remember this conversation?</p> <p>21 A. No.</p> <p>22 Q. So did you -- well, do you remember</p> <p>23 talking to Chris Holder about the fact that</p> <p>24 you believe that a law is being passed that</p>

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<p style="text-align: right;">Page 175</p> <p>1 would give compensation to anyone who is</p> <p>2 wrongly accused of a crime where they're</p> <p>3 supposed to get 50,000 per year of</p> <p>4 incarceration for -- a year for incarceration?</p> <p>5 A. I had a lot of conversations with</p> <p>6 Chris. I don't really remember that, no.</p> <p>7 Q. Were you not able to hear that part</p> <p>8 of the call?</p> <p>9 A. No. I couldn't really hear it. The</p> <p>10 whole call is like muffled and it's hard for</p> <p>11 me to make out a lot of stuff on there. So</p> <p>12 no.</p> <p>13 Q. Okay. Did you hear you say that</p> <p>14 your case is attached to another one of your</p> <p>15 other cases?</p> <p>16 MR. VAN NAARDEN: Objection.</p> <p>17 THE WITNESS: I can't hear much</p> <p>18 on there.</p> <p>19 MS. ROSENTHAL: I don't see</p> <p>20 what's objectionable. I asked if he</p> <p>21 heard it. He said he didn't.</p> <p>22 MR. VAN NAARDEN: I can't hear</p> <p>23 it, so it's very hard for me to let my</p> <p>24 client answer something when I can't hear</p>	<p style="text-align: right;">Page 177</p> <p>1 would have had just that case, I would have</p> <p>2 served five years and been home, like all the</p> <p>3 inmates with a five to ten.</p> <p>4 Q. Why is your understanding that it</p> <p>5 would have been five years?</p> <p>6 A. Because I spent 16 years in jail,</p> <p>7 and everybody I seen with a five to ten went</p> <p>8 home in five or six years. But back in 2006,</p> <p>9 '07, they was doing pre-release and they was</p> <p>10 making it home before that.</p> <p>11 Q. Okay. So your understanding is</p> <p>12 based on what you saw other people?</p> <p>13 A. Yes; my experience in jail.</p> <p>14 Q. You didn't -- did you ever tell</p> <p>15 Chris Holder on this call or any other call</p> <p>16 that you remember that ten years of your time</p> <p>17 is credited towards another case?</p> <p>18 A. First and foremost, I can't make out</p> <p>19 that call, and I don't remember the</p> <p>20 conversation.</p> <p>21 Q. My question --</p> <p>22 A. I can't make out the call.</p> <p>23 Q. My question is just whether you</p> <p>24 remember telling him that.</p>
<p style="text-align: right;">Page 176</p> <p>1 it.</p> <p>2 BY MS. ROSENTHAL:</p> <p>3 Q. Would that be a true statement if it</p> <p>4 was said, that your case is attached to one of</p> <p>5 your other cases?</p> <p>6 A. The truth of the matter is that in</p> <p>7 2004, I got convicted of first-degree murder,</p> <p>8 and when I got convicted of first-degree</p> <p>9 murder, I got sentenced to life. After I got</p> <p>10 sentenced to life, I took a deal for another</p> <p>11 case.</p> <p>12 Q. Right.</p> <p>13 A. That ran consecutive to my life. So</p> <p>14 I had to serve the life, and after I was done</p> <p>15 serving life, I would serve whatever time, but</p> <p>16 coincidentally I didn't end up serving a whole</p> <p>17 life sentence, so I didn't have to die and get</p> <p>18 cuffed for ten years. I end up prevailing on</p> <p>19 the life sentence.</p> <p>20 Q. But is it your understanding that</p> <p>21 you did serve the sentence -- first of all,</p> <p>22 was the sentence five to ten years for the</p> <p>23 other case that you were referring to?</p> <p>24 A. Yes. From my understanding, if I</p>	<p style="text-align: right;">Page 178</p> <p>1 A. I don't know. I don't remember. I</p> <p>2 don't know. But I can't really fully make out</p> <p>3 the call.</p> <p>4 Q. My question is, put aside this call.</p> <p>5 Did you ever tell Chris Holder on a call that</p> <p>6 you remember that ten years of your time is</p> <p>7 credited towards another case?</p> <p>8 A. I don't remember, but what I can say</p> <p>9 is that when I was -- when my life sentence</p> <p>10 was overturned, I never went back up SCI</p> <p>11 Dallas, and from my understanding of me not</p> <p>12 going back up SCI Dallas was that I was just</p> <p>13 released and that whatever time I was done, I</p> <p>14 served whatever time I served.</p> <p>15 Q. Why is it your understanding that</p> <p>16 the life sentence would have been served first</p> <p>17 before the five to ten years?</p> <p>18 A. Because I'm not -- from my</p> <p>19 experience of being incarcerated, being</p> <p>20 arrested, when you get sentenced, the first</p> <p>21 sentence you get sentenced to is the first</p> <p>22 sentence you serve. On my docket sheet I</p> <p>23 had -- my number was GB2883 and my minimum</p> <p>24 said life and my maximum said life, and that</p>

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<p style="text-align: right;">Page 179</p> <p>1 was the sentence that I was serving.</p> <p>2 Q. So you have no idea whether you were</p> <p>3 released for that other case based on time</p> <p>4 served, that you had served your sentence?</p> <p>5 A. I believe that from the time I was</p> <p>6 in jail, I was serving my life sentence. I</p> <p>7 knew I had another case. When my life</p> <p>8 sentence got vacated, I was released</p> <p>9 immediately, and I believe they weighted out</p> <p>10 the time however they weighted it out. I</p> <p>11 believe I had a five to ten, but if I never</p> <p>12 got the life sentence, I believe I would have</p> <p>13 been home in four to five years.</p> <p>14 Q. Okay. So it's your testimony that</p> <p>15 they should have kept you another five to ten</p> <p>16 years or that they credited the time you were</p> <p>17 in jail for the life sentence towards the</p> <p>18 five- to ten-year sentence?</p> <p>19 MR. VAN NAARDEN: Objection.</p> <p>20 THE WITNESS: I'm not</p> <p>21 understanding. You saying it's my</p> <p>22 understanding they should have kept me</p> <p>23 for five to ten more years?</p> <p>24 BY MS. ROSENTHAL:</p>	<p style="text-align: right;">Page 181</p> <p>1 tape that you're going to play stupid until</p> <p>2 they mother fucking weed it out?</p> <p>3 A. I didn't hear nothing.</p> <p>4 Q. Was that your -- was your intent to</p> <p>5 play stupid about the fact that --</p> <p>6 A. I didn't hear it.</p> <p>7 Q. Sorry. Let me finish the question.</p> <p>8 It sounds like there's some dispute</p> <p>9 as to whether you would have had to serve five</p> <p>10 years or ten years of that sentence, but were</p> <p>11 you planning on playing stupid about the fact</p> <p>12 that you weren't really incarcerated for a</p> <p>13 full 16 years wrongfully on this conviction</p> <p>14 because you would have served at least five</p> <p>15 for your other case?</p> <p>16 MR. VAN NAARDEN: Objection.</p> <p>17 THE WITNESS: I don't even</p> <p>18 understand. The question is so complex</p> <p>19 that you have to dumb it down for me.</p> <p>20 BY MS. ROSENTHAL:</p> <p>21 Q. Okay. Would you agree that you</p> <p>22 would have had to serve at least five years</p> <p>23 once you were sent to prison in 2004 because</p> <p>24 of your other guilty plea?</p>
<p style="text-align: right;">Page 180</p> <p>1 Q. Yeah. I'm saying didn't they</p> <p>2 release you because you had stayed there for</p> <p>3 16 years and your sentence was five to ten, so</p> <p>4 you had served it once the life sentence</p> <p>5 had --</p> <p>6 A. I mean, you would have to ask them</p> <p>7 exactly how they weighted the time out, but I</p> <p>8 don't know exactly how it went, to be all the</p> <p>9 way honest with you.</p> <p>10 Q. And then you --</p> <p>11 A. But I know for sure that I was</p> <p>12 serving my minimum and my max date on my</p> <p>13 docket sheet, on my sheet. It both said life.</p> <p>14 Q. And once the life was erased, what</p> <p>15 did your maximum state? Did it say 2015?</p> <p>16 A. I never seen anything because I</p> <p>17 never went back upstate. I was released from</p> <p>18 the county jail.</p> <p>19 Q. But if you saw that docket sheet, it</p> <p>20 would clear it up, right?</p> <p>21 A. I mean, yeah. If I saw the docket</p> <p>22 sheet, it will clear it up. You can show it</p> <p>23 to me and clear it up.</p> <p>24 Q. Did you hear yourself say on that</p>	<p style="text-align: right;">Page 182</p> <p>1 MR. VAN NAARDEN: Objection.</p> <p>2 THE WITNESS: I can't</p> <p>3 intelligently answer that question. I</p> <p>4 don't know, but --</p> <p>5 MR. VAN NAARDEN: Just the</p> <p>6 premise of the question I just</p> <p>7 fundamentally object to because the dates</p> <p>8 aren't correct.</p> <p>9 THE WITNESS: But I mean --</p> <p>10 MS. ROSENTHAL: The 16 years?</p> <p>11 MR. VAN NAARDEN: No. You're</p> <p>12 saying that he pled to another case in</p> <p>13 2004. He didn't.</p> <p>14 MS. ROSENTHAL: I think he said</p> <p>15 that.</p> <p>16 MR. VAN NAARDEN: You</p> <p>17 represented that to him. He didn't plead</p> <p>18 guilty until 2005.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. I think you said 2004. Sorry. I</p> <p>21 think you said it and then I repeated it. I'm</p> <p>22 not sure. Maybe 2005.</p> <p>23 Did you hear Holder say on the</p> <p>24 call -- I believe this was clear -- that the</p>

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<p style="text-align: right;">Page 183</p> <p>1 worst-case scenario is you only get 350,000, 2 that's better than nothing?</p> <p>3 A. I can't make out too much on the 4 call. I'm sorry.</p> <p>5 Q. You couldn't make out that part?</p> <p>6 A. I couldn't make out too much on the 7 call what I was saying.</p> <p>8 Q. My question is whether you can make 9 out the words that Holder says you only get 10 300 -- if you only get 350,000, that's better 11 than nothing? Do you want me to replay it?</p> <p>12 A. You can replay it all you want.</p> <p>13 Q. Sure.</p> <p>14 (Audio being played.)</p> <p>15 Did you hear that 350,000 is better 16 than no thousand?</p> <p>17 A. Yes. I heard him say that, but I'm 18 not confirming that he was talking to me. I 19 can't really hear what you saying is me in the 20 audio.</p> <p>21 Q. Did you hear that the number that 22 was dialed -- or if I represent to you that 23 the number that was dialed was 267-254-8803, 24 is that your number?</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. Okay. Are you sure -- when you say 2 you don't recall, is it because you're sure 3 you didn't or you could have, you just don't 4 remember?</p> <p>5 A. I'm telling you I don't remember. 6 So anything extra to it, I wouldn't want to 7 add to it. I don't remember.</p> <p>8 Q. Okay. That's fair.</p> <p>9 I want to shift gears and ask 10 about -- I want to mark as Exhibit --</p> <p>11 COURT REPORTER: 14.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. 15 --</p> <p>14 COURT REPORTER: 14.</p> <p>15 MS. ROSENTHAL: 14 -- did you 16 want to take a break?</p> <p>17 MR. VAN NAARDEN: It's like ten 18 of 4:00. Do you want to do it like ten 19 minutes?</p> <p>20 THE WITNESS: Yeah.</p> <p>21 MR. VAN NAARDEN: If you need a 22 break, take a break.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 VIDEO TECHNICIAN: We're now</p>
<p style="text-align: right;">Page 184</p> <p>1 A. No, that's not my number.</p> <p>2 Q. That was never your number at any 3 time?</p> <p>4 A. Not that I know of. I told you, I 5 did have 10 different phones, maybe 15.</p> <p>6 Q. So is it your testimony that you're 7 not able to tell whether your voice is at all 8 on this audio recording and you don't recall 9 having this conversation with him?</p> <p>10 MR. VAN NAARDEN: Objection.</p> <p>11 THE WITNESS: I mean, you know, 12 everybody in the room can hear the audio. 13 It's something going on with it where 14 it's not really clear. So I can't say 15 that it was me. But, you know, I can 16 hear the end where it sounds like Chris, 17 and I heard the same thing you heard with 18 the number that he threw out there, but I 19 can't say that that was me, no. I'm 20 sorry.</p> <p>21 BY MS. ROSENTHAL:</p> <p>22 Q. Do you recall whether you had a 23 conversation with him about this?</p> <p>24 A. I told you I didn't, no.</p>	<p style="text-align: right;">Page 186</p> <p>1 going off record. The time now is 3:52 2 p.m.</p> <p>3 - - -</p> <p>4 (Short recess.)</p> <p>5 - - -</p> <p>6 VIDEO TECHNICIAN: We're now 7 back on record. The time is 4:06 p.m.</p> <p>8 BY MS. ROSENTHAL:</p> <p>9 Q. I want to show you a document that 10 I'm going to mark as --</p> <p>11 COURT REPORTER: 14. Yeah.</p> <p>12 You didn't mark it yet.</p> <p>13 BY MS. ROSENTHAL:</p> <p>14 Q. I'll mark as Outlaw-14.</p> <p>15 MS. ROSENTHAL: I would just 16 note this has a confidential stamp 17 because it's his visitor history that was 18 produced with other individuals' visitor 19 histories. I'm happy to have him sign 20 the protective order and go through that, 21 but -- okay.</p> <p>22 MR. VAN NAARDEN: I don't care.</p> <p>23 MS. ROSENTHAL: It really 24 should have not been produced as</p>

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<p style="text-align: right;">Page 187</p> <p>1 confidential.</p> <p>2 It's a document that is Bates</p> <p>3 marked CITY017397 to CITY017412.</p> <p>4 - - -</p> <p>5 (Exhibit Outlaw-14 marked for</p> <p>6 identification by counsel.)</p> <p>7 - - -</p> <p>8 BY MS. ROSENTHAL:</p> <p>9 Q. I will represent to you that this is</p> <p>10 a printout of your visitor history that was</p> <p>11 pulled from the Philadelphia Department of</p> <p>12 Prison system Lock and Track Inmate Management</p> <p>13 System from December 9, 2002 to the date it</p> <p>14 was produced, which is recently.</p> <p>15 Do you recognize this document?</p> <p>16 A. I never seen this document before,</p> <p>17 but I recognize the names on here.</p> <p>18 Q. Have you seen like inmate visitor</p> <p>19 logs before?</p> <p>20 A. No.</p> <p>21 Q. So I want you just to leaf through</p> <p>22 it quickly and let me know if it -- I</p> <p>23 understand that you likely don't remember</p> <p>24 every date that any person visited you, but if</p>	<p style="text-align: right;">Page 189</p> <p>1 anything stand out to you as obviously wrong?</p> <p>2 A. I mean, I don't -- I don't remember.</p> <p>3 I mean, I recognize a lot of these names.</p> <p>4 Q. Okay.</p> <p>5 A. But as far as dates, it goes back to</p> <p>6 2002, 2003.</p> <p>7 Q. But there's nothing looking it over</p> <p>8 where you're like, no, that's impossible, I</p> <p>9 never would have met with that person?</p> <p>10 A. I mean, not that I see thus far, no.</p> <p>11 Q. Okay. Let me know when you're</p> <p>12 ready. Like I said, I wanted to ask you about</p> <p>13 some of the individuals on the list.</p> <p>14 (Pause.)</p> <p>15 A. All right. I looked at it.</p> <p>16 Q. So if you can turn to the second</p> <p>17 page that's Bates marked -- well, first of</p> <p>18 all, actually looking at the first page,</p> <p>19 CITY017397, do you see it says Dependents, 0?</p> <p>20 A. Mm-hmm.</p> <p>21 Q. Is that correct? Do you have any</p> <p>22 children? You mentioned you had one child at</p> <p>23 least?</p> <p>24 A. Yeah.</p>
<p style="text-align: right;">Page 188</p> <p>1 anything stands out to you as inaccurate or</p> <p>2 whether you have any reason to dispute that</p> <p>3 this accurately reflects your visitor history</p> <p>4 while incarcerated at the Philadelphia</p> <p>5 Department of Prisons.</p> <p>6 MS. ROSENTHAL: Are you missing</p> <p>7 a page, Josh?</p> <p>8 MR. VAN NAARDEN: Mine goes</p> <p>9 from like 2018 to 2005.</p> <p>10 MS. ROSENTHAL: Sometimes we</p> <p>11 get them out of -- oh, that's because he</p> <p>12 was at the --</p> <p>13 MR. VAN NAARDEN: State.</p> <p>14 That's fine. Okay.</p> <p>15 BY MS. ROSENTHAL:</p> <p>16 Q. So just so you know when you're</p> <p>17 reviewing it, my primary purpose in showing</p> <p>18 you this is to ask you about some of the names</p> <p>19 on the list rather than to confirm</p> <p>20 particular --</p> <p>21 A. Okay.</p> <p>22 Q. -- visits dates.</p> <p>23 But do you have any reason to</p> <p>24 dispute the accuracy of these dates? Does</p>	<p style="text-align: right;">Page 190</p> <p>1 Q. How many children do you have?</p> <p>2 A. Two. Deandre, and I just had a</p> <p>3 child recently.</p> <p>4 Q. And what's the name of your second</p> <p>5 child?</p> <p>6 A. Donald, Jr.</p> <p>7 Q. Last name?</p> <p>8 A. Outlaw.</p> <p>9 Q. Okay. And those are your only two</p> <p>10 children?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So turn to the second page,</p> <p>13 CITY017398. The first person who's listed is</p> <p>14 someone named Maria Dowbusz, and there's an O</p> <p>15 listed next to her name, which I think -- I'm</p> <p>16 not entirely sure, but I think that may mean</p> <p>17 it's an official visit. Is she an attorney?</p> <p>18 A. It had to be, because I don't</p> <p>19 remember that person.</p> <p>20 Q. Okay. You don't recall whether</p> <p>21 she's someone who worked on this matter,</p> <p>22 another matter?</p> <p>23 A. Yeah. The name doesn't stand out to</p> <p>24 me at all. So it has to be -- they don't</p>

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<p style="text-align: right;">Page 191</p> <p>1 break down these codes that's next to the</p> <p>2 name?</p> <p>3 Q. They don't break down? Sorry.</p> <p>4 A. I mean, I see a T, O, and S that's</p> <p>5 next to the names.</p> <p>6 Q. I'm not actually sure what those</p> <p>7 mean. I think O may mean official, like an</p> <p>8 attorney or a professional, but I'm not</p> <p>9 entirely sure.</p> <p>10 Okay. So then moving down, do you</p> <p>11 see Herbert, Taneisha?</p> <p>12 A. Yes.</p> <p>13 Q. Who is that?</p> <p>14 A. Taneisha Herbert is some girl I used</p> <p>15 to deal with 20 years ago.</p> <p>16 Q. "Deal with," you mean date?</p> <p>17 A. I mean, however you want to call it.</p> <p>18 We used to hook up.</p> <p>19 Q. So that's before your conviction?</p> <p>20 A. Yes.</p> <p>21 Q. But you remained in touch?</p> <p>22 A. Vaguely, once in a blue moon.</p> <p>23 Q. Well, it looks like she's visiting</p> <p>24 you in 2019 here.</p>	<p style="text-align: right;">Page 193</p> <p>1 A. Not that I know of. TT.</p> <p>2 Q. And of the TTs that you know, is she</p> <p>3 the one that you communicate with most, or who</p> <p>4 would you say you're closest to of those?</p> <p>5 A. I know another girl named TT, but I</p> <p>6 don't really know TT's full name. I just know</p> <p>7 her as Tiara.</p> <p>8 Q. Okay.</p> <p>9 A. I know another girl named TT, but --</p> <p>10 what is TT real name?</p> <p>11 Q. Okay.</p> <p>12 A. I don't know. I just know her as</p> <p>13 TT, but --</p> <p>14 Q. Does she have any involvement or did</p> <p>15 she have any involvement in any of your --</p> <p>16 when I refer to your criminal proceedings, I'm</p> <p>17 talking about like the whole 16 years of</p> <p>18 appellate and post-conviction. Has she had</p> <p>19 any role in any of that?</p> <p>20 A. Who?</p> <p>21 Q. Ms. Herbert we're talking about</p> <p>22 here.</p> <p>23 A. No.</p> <p>24 Q. Does she have any family members who</p>
<p style="text-align: right;">Page 192</p> <p>1 A. Yeah. That's possible, but we don't</p> <p>2 communicate on a regular basis. I don't talk</p> <p>3 to or see her on a regular basis.</p> <p>4 Q. Okay. Does she have any relation to</p> <p>5 you other than someone you hooked up with,</p> <p>6 like relate to any family members, anything</p> <p>7 like that?</p> <p>8 A. No, not at all.</p> <p>9 Q. And does she have any nicknames that</p> <p>10 you call her by?</p> <p>11 A. TT.</p> <p>12 Q. Is there anyone else you call TT or</p> <p>13 just her?</p> <p>14 A. There's about five TTs.</p> <p>15 Q. Yeah. So part of why I'm trying to</p> <p>16 figure this out is the calls are, yes, there's</p> <p>17 about five of everybody.</p> <p>18 So who else is TT?</p> <p>19 A. I know a couple girls named TT, but</p> <p>20 I can't pinpoint.</p> <p>21 Q. Okay. And then does she have --</p> <p>22 Monique was testifying during her deposition</p> <p>23 about how individuals have a Muslim name.</p> <p>24 Does she have a Muslim name?</p>	<p style="text-align: right;">Page 194</p> <p>1 you're friendly with?</p> <p>2 A. No.</p> <p>3 Q. I think I may have seen the name</p> <p>4 Octavia Herbert somewhere. Do you know who</p> <p>5 that is?</p> <p>6 A. No. I don't know.</p> <p>7 Q. Okay. Moving down, second to last,</p> <p>8 see Christopher Jones?</p> <p>9 A. Yes.</p> <p>10 Q. Who is Christopher Jones?</p> <p>11 A. Christopher Jones is -- I have a</p> <p>12 cousin named Lamont. That's Lamont's brother.</p> <p>13 Q. So you have a cousin named Lamont.</p> <p>14 Is that through your mother or your father?</p> <p>15 A. My mother mom. My mom has several</p> <p>16 sisters. Lamont is my Aunt Jackie's son, and</p> <p>17 him and Chris Jones, they have the same</p> <p>18 father.</p> <p>19 Q. Okay. You're going to have to do</p> <p>20 that a little more slowly.</p> <p>21 So your mom, that's Nita Starr?</p> <p>22 A. Yes. My mom name is Nita Starr.</p> <p>23 She has a sister named Jacqueline Starr.</p> <p>24 Q. Okay. And --</p>

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<p style="text-align: right;">Page 195</p> <p>1 A. Jacqueline Starr has several kids. 2 One of her children is Lamont. And Lamont has 3 a brother on his father's side, and that's 4 Chris Jones. 5 Q. Okay. And who is his father? 6 A. I don't know they dad name. They 7 dad passed away. I don't know. 8 Q. Okay. And is Chris Jones someone 9 that you're close with? 10 A. He's a friend of mine. 11 Q. And has he been a friend since 12 childhood? 13 A. No. He's a lot older than me, but 14 I've known him for a long time. 15 Q. Since before your conviction? 16 A. No. Actually like -- the thing is, 17 he's my cousin's -- he's my cousin's brother. 18 Q. He's your cousin's brother, right. 19 Stepbrother? 20 A. Right. 21 Q. Yeah. 22 A. So he did a long time in jail, so we 23 wasn't like -- we wasn't like -- how can I put 24 this? We didn't really -- from his</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. Okay. And is he Muslim as well? 2 A. Yeah. 3 Q. Does he have a Muslim name? 4 A. I believe so, but I'm not sure what 5 it is. 6 Q. Okay. Is he someone that you're 7 friendly with to this day? 8 A. Yeah. I mean, I randomly see him, 9 but I know him as Chris. 10 Q. And did he have any involvement at 11 all in the proceedings in this case or any 12 relevance? 13 A. No. 14 Q. On the next page there's Alexis 15 Williams? 16 A. Okay. 17 Q. Do you see that? 18 A. Yes. 19 Q. Is that a female? 20 A. Yes. 21 Q. Who is Alexis Williams? 22 A. One of my friends that I grew up 23 with, a girl I know. 24 Q. There's a lot of -- it seems that</p>
<p style="text-align: right;">Page 196</p> <p>1 incarceration, when he came home, I was in 2 jail, and that's that. So we don't got 3 like -- we didn't never hang together or 4 anything like that, but, you know, when he 5 found out about, you know, I was locked up, 6 you know, he sent me a little money and 7 visited me a couple times, sent me pictures 8 and, you know, told me to hold my head, fight 9 for my life. 10 Q. Does he run in the same social 11 circles as you? Is he friends with Wesley 12 Harmon or other individuals who you're 13 friendly with? 14 A. I mean, we all from around the same 15 neighborhood. I mean, I can't say exactly who 16 he know and all that, but, I mean, we all know 17 each other. 18 Q. Is he married or with a significant 19 other? 20 A. I'm not a hundred percent sure about 21 his personal life. 22 Q. Okay. And does he have any 23 nicknames that he goes by? 24 A. Chris.</p>	<p style="text-align: right;">Page 198</p> <p>1 there's a lot of Williams that pop up in 2 papers. Is she related to other -- no? 3 A. No relation at all. 4 Q. No relation at all, okay. 5 And does she have any -- well, does 6 she have any nicknames or Muslim names? 7 A. I know her as Lex. 8 Q. Lex, okay. 9 Does she have any involvement in 10 this case? 11 A. No. 12 Q. What about Chris Ammon or Ammon? 13 How do you pronounce that? 14 A. I don't know. 15 Q. Oh, he has an O next to him. Is he 16 a lawyer? 17 A. Yeah. I don't know who that is. 18 Q. It looks like he may have visited -- 19 okay. You don't know who he is. That name 20 doesn't ring a bell? 21 A. No. 22 Q. What about Kasimah Sweets? 23 A. She is a friend of mine. Like we 24 grew up together.</p>

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<p style="text-align: right;">Page 199</p> <p>1 Q. Any relation to family members?</p> <p>2 A. Yeah. She is -- she shares a child</p> <p>3 with one of my cousin's.</p> <p>4 Q. Which cousin?</p> <p>5 A. My cousin Anthony.</p> <p>6 Q. Anthony Starr?</p> <p>7 A. Yes.</p> <p>8 Q. Are they still together?</p> <p>9 A. No, not that I know of.</p> <p>10 Q. What's their child's name?</p> <p>11 A. Raheem.</p> <p>12 Q. Raheem Starr?</p> <p>13 A. I'm guessing.</p> <p>14 Q. You're guessing, okay.</p> <p>15 A. I don't know.</p> <p>16 Q. And what nickname or other names do</p> <p>17 you have for Kasimah?</p> <p>18 A. Simah.</p> <p>19 Q. Simah? Is there anyone else named</p> <p>20 Simah that you know?</p> <p>21 A. No. Her name is Kasimah. We call</p> <p>22 her Simah.</p> <p>23 Q. Okay. Do you know any other Simahs,</p> <p>24 like you know other TTs?</p>	<p style="text-align: right;">Page 201</p> <p>1 A. No.</p> <p>2 Q. Were they ever legally or</p> <p>3 religiously married?</p> <p>4 A. No.</p> <p>5 Q. Okay. Who is Paul McAllister?</p> <p>6 A. He's one of my friends. I wouldn't</p> <p>7 know how to describe, but he's just one of my</p> <p>8 friends.</p> <p>9 Q. Okay. I guess I have the same kind</p> <p>10 of questions, whether he has any relation,</p> <p>11 familial relationship to you?</p> <p>12 A. No. We don't have no type of link</p> <p>13 or relation. He don't have kids by anybody I</p> <p>14 know or anything of that nature.</p> <p>15 Q. Any nicknames?</p> <p>16 A. Pauly.</p> <p>17 Q. Okay. Is there anyone else -- when</p> <p>18 you refer to Pauly in calls and things like</p> <p>19 that, is that usually Paul McAllister or is</p> <p>20 there other Paulys?</p> <p>21 A. I know a few Paulys, so...</p> <p>22 Q. Who would you communicate most often</p> <p>23 with when you were in prison?</p> <p>24 A. I don't know.</p>
<p style="text-align: right;">Page 200</p> <p>1 A. No, I don't know no more Simahs.</p> <p>2 Q. And then Wesley Harmon underneath,</p> <p>3 am I correct that he has a child with your</p> <p>4 sister Shanita Starr?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And when did they begin -- am</p> <p>7 I correct that it's an on-and-off-again</p> <p>8 relationship with them or no?</p> <p>9 A. No. They share a daughter, but my</p> <p>10 sister's daughter is a grown lady. She's like</p> <p>11 25.</p> <p>12 Q. What's her name?</p> <p>13 A. Shirah.</p> <p>14 Q. Shirah Starr?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. But Shanita and Wesley, when</p> <p>17 were they a couple?</p> <p>18 A. About 90 -- in the mid '90s.</p> <p>19 Q. Okay. Are they still friendly?</p> <p>20 A. No. She can't stand him.</p> <p>21 Q. But you're friends with Wesley?</p> <p>22 A. Yeah.</p> <p>23 Q. And they haven't since that time,</p> <p>24 they haven't gotten back together?</p>	<p style="text-align: right;">Page 202</p> <p>1 Q. All the Paulys?</p> <p>2 A. Monique.</p> <p>3 Q. No; of the Paulys. I'm saying --</p> <p>4 well, who else do you know that has a nickname</p> <p>5 Pauly?</p> <p>6 A. I know about three guys named Pauly.</p> <p>7 Paul or Pauly.</p> <p>8 Q. Who are those?</p> <p>9 A. There's a guy that used to live on</p> <p>10 my old block, his name Paul. Sometimes we</p> <p>11 call him Pauly.</p> <p>12 Q. His full name is what I'm looking</p> <p>13 for.</p> <p>14 A. I don't know his full name. I just</p> <p>15 know him as Pauly.</p> <p>16 Q. Yeah. Okay.</p> <p>17 A. And another guy I was locked up with</p> <p>18 that sometimes, you know, I would communicate</p> <p>19 with him, his name Pauly too or Paul.</p> <p>20 Q. What's his full name; do you know?</p> <p>21 A. Paul. I don't know. But I might</p> <p>22 call him P-Mack or Paul.</p> <p>23 Q. Does this Paul McAllister have</p> <p>24 mutual friends with you in common?</p>

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<p style="text-align: right;">Page 203</p> <p>1 A. I'm not sure. Yeah, we got a mutual</p> <p>2 friend, Dom.</p> <p>3 Q. Dom, is that Dominic Carter?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. And does he go by Donald</p> <p>6 Carter also?</p> <p>7 A. I think that might be the name he</p> <p>8 locked up under. I'm not sure.</p> <p>9 Q. Oh, okay. You have a mutual friend</p> <p>10 Dominic Carter. How does Dominic Carter know</p> <p>11 Paul?</p> <p>12 A. You would have to ask him that. I</p> <p>13 mean, it's all from, you know, being in the</p> <p>14 same area.</p> <p>15 Q. But no familial relationship? No?</p> <p>16 A. I don't know.</p> <p>17 Q. Oh, you don't know if they are</p> <p>18 related in some way?</p> <p>19 A. I doubt it, but, I mean --</p> <p>20 Q. You doubt it?</p> <p>21 A. -- I don't know.</p> <p>22 Q. Okay. What about, moving onto the</p> <p>23 next page, CITY017400, Rasuli Reid? Who is</p> <p>24 he?</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. Okay. How do you keep them all</p> <p>2 apart? Okay.</p> <p>3 And do you have mutual friends in</p> <p>4 common?</p> <p>5 A. Yeah. We have a lot of mutual</p> <p>6 friends in common. There's too many to name.</p> <p>7 Q. Okay. So that's helpful to know</p> <p>8 when you're distinguishing between people.</p> <p>9 Okay. What about Taeyanna -- well,</p> <p>10 first of all, is Rasuli Reid, is he married or</p> <p>11 does he have a partner?</p> <p>12 A. I think he might be married, but I'm</p> <p>13 not sure if he's still currently married. I</p> <p>14 know his wife is Keisha, but --</p> <p>15 Q. Keisha?</p> <p>16 A. -- I don't know Keisha's last name.</p> <p>17 Q. Okay. And do you know his kids'</p> <p>18 names?</p> <p>19 A. No.</p> <p>20 Q. What about two lines down, Taeyanna</p> <p>21 Smith?</p> <p>22 A. Taeyanna Smith?</p> <p>23 Q. I may be mispronouncing that.</p> <p>24 A. I don't even know who that is.</p>
<p style="text-align: right;">Page 204</p> <p>1 A. One of my friends.</p> <p>2 Q. Can you provide a -- since they're</p> <p>3 all one of your friends, can you provide a</p> <p>4 little more elaboration?</p> <p>5 A. What do you want to know?</p> <p>6 Q. When did you first meet him?</p> <p>7 A. I knew Rasul for -- since I was</p> <p>8 eight years old. He was my next-door neighbor</p> <p>9 on the block I grew up on.</p> <p>10 Q. So he was a close friend?</p> <p>11 A. Yeah. Me and him are cool.</p> <p>12 Q. Was he involved in any criminal</p> <p>13 activities that you were involved in or any</p> <p>14 cases that you were charged with? No?</p> <p>15 A. No, not that I know of.</p> <p>16 Q. Okay. Do you have any familial</p> <p>17 relationship with him?</p> <p>18 A. No.</p> <p>19 Q. Does he have a nickname? You said</p> <p>20 Rasul?</p> <p>21 A. Sule.</p> <p>22 Q. Sule, okay. And do you know other</p> <p>23 Sules?</p> <p>24 A. Yeah. I know 30 Sules.</p>	<p style="text-align: right;">Page 206</p> <p>1 Q. Okay.</p> <p>2 A. This could be like some type of</p> <p>3 mistake or something, because I don't even</p> <p>4 know like -- there's no start or ending date</p> <p>5 to, I guess, that visit. I don't even know</p> <p>6 who that is.</p> <p>7 Q. Oh, I think -- I'm not sure, but I</p> <p>8 think when there's no start date, it might</p> <p>9 mean they came with the person above, but...</p> <p>10 Okay. On the next page, Kareem</p> <p>11 Greenwood. How do you know Kareem?</p> <p>12 A. Kareem is a friend of mine.</p> <p>13 Q. How do you know him, though? How</p> <p>14 did you first meet him?</p> <p>15 A. I don't know exactly how I met</p> <p>16 Kareem, but he's a friend of mine that I end</p> <p>17 up working for at some point. He became my</p> <p>18 boss.</p> <p>19 Q. Is he someone that you've been</p> <p>20 friends with since you were a juvenile?</p> <p>21 A. I wouldn't say a juvenile, but I've</p> <p>22 known him for a while, but, you know, with my</p> <p>23 incarceration, you know -- how can I put this?</p> <p>24 I would go long periods without communicating</p>

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<p style="text-align: right;">Page 207</p> <p>1 with him, talking to him, but...</p> <p>2 Q. Did you know him before your</p> <p>3 incarceration?</p> <p>4 A. Yeah. I know Kareem for a long</p> <p>5 time.</p> <p>6 Q. Is he someone that you would hang</p> <p>7 out with a lot?</p> <p>8 A. No. We wouldn't hang out a lot, but</p> <p>9 I considered him to be a friend.</p> <p>10 Q. Okay. Does he have any familial</p> <p>11 relationship to you?</p> <p>12 A. No.</p> <p>13 Q. What about -- I could be</p> <p>14 misremembering, but I thought I may have</p> <p>15 listened to a call where there was a reference</p> <p>16 to Kareem being -- Katima and Kareem being</p> <p>17 cousins, nephew. I don't know. You don't</p> <p>18 know what I'm talking about?</p> <p>19 A. No, I don't know you talking about.</p> <p>20 Q. Okay. Is Kareem someone that you</p> <p>21 have a lot of mutual friends in common with?</p> <p>22 A. Yeah. Kareem is like 47 years old.</p> <p>23 Q. Okay. And when you said that you</p> <p>24 ended up working for him, was that at S.O.S.?</p>	<p style="text-align: right;">Page 209</p> <p>1 can't work there no more.</p> <p>2 MR. VAN NAARDEN: You have</p> <p>3 to -- I mean, that's a legitimate</p> <p>4 question.</p> <p>5 THE WITNESS: I had got into an</p> <p>6 accident. I hurt my back. The job is</p> <p>7 like manual labor. It's a restoration</p> <p>8 company. It's heavy lifting and it's</p> <p>9 using sledge hammers and things of that</p> <p>10 nature, and once I got into an accident,</p> <p>11 my back was messed up, I couldn't work</p> <p>12 there no more.</p> <p>13 BY MS. ROSENTHAL:</p> <p>14 Q. Okay. What time period was that?</p> <p>15 A. I'm not sure, but --</p> <p>16 Q. You don't know when the accident</p> <p>17 was?</p> <p>18 A. I'm not a hundred percent sure the</p> <p>19 timeframes of the accident or whatever, but</p> <p>20 it's within the last -- since I've been home</p> <p>21 off house arrest.</p> <p>22 Q. How long had you worked there</p> <p>23 approximately before the accident?</p> <p>24 A. A couple months.</p>
<p style="text-align: right;">Page 208</p> <p>1 A. Yeah, at S.O.S. Restoration.</p> <p>2 Q. What time period was that?</p> <p>3 A. I can't give you an exact timeframe.</p> <p>4 It's like a blur to me.</p> <p>5 Q. Isn't it true that they had offered</p> <p>6 you a job, but then you weren't approved to be</p> <p>7 able to work there?</p> <p>8 A. Yeah.</p> <p>9 Q. By the District Attorney?</p> <p>10 A. Yes.</p> <p>11 Q. Did you work there anyways?</p> <p>12 A. I worked there after I was off of</p> <p>13 house arrest.</p> <p>14 Q. Oh, okay. What was the time period</p> <p>15 of that?</p> <p>16 A. I'm not a hundred percent sure.</p> <p>17 Q. Oh, you said you weren't sure. Do</p> <p>18 you still work there?</p> <p>19 A. No. I don't work there no more.</p> <p>20 Q. How come?</p> <p>21 A. Some stuff happened that prevented</p> <p>22 me from being able to work there.</p> <p>23 Q. What stuff?</p> <p>24 A. I'd rather not talk about it, but I</p>	<p style="text-align: right;">Page 210</p> <p>1 Q. And how much were you paid? Were</p> <p>2 you paid per hour?</p> <p>3 A. Yeah, I was paid per hour, but...</p> <p>4 Q. How much were you paid?</p> <p>5 A. I'm not really a hundred percent</p> <p>6 sure. I would have to go back and look at my</p> <p>7 stubs or whatever, but...</p> <p>8 Q. Do you have additional pay stubs?</p> <p>9 Because very few pay stubs were produced in</p> <p>10 this litigation, and no S.O.S. ones.</p> <p>11 MR. VAN NAARDEN: Objection.</p> <p>12 THE WITNESS: S.O.S.</p> <p>13 Restoration --</p> <p>14 MS. ROSENTHAL: There were six</p> <p>15 pages, I think.</p> <p>16 MR. VAN NAARDEN: We gave you</p> <p>17 all the PAAN pay stubs. There were pages</p> <p>18 and pages and pages.</p> <p>19 MS. ROSENTHAL: No. Well,</p> <p>20 maybe we can talk about this at break.</p> <p>21 We have literally six pages, I think.</p> <p>22 MR. VAN NAARDEN: I think there</p> <p>23 were a lot more than that, but okay.</p> <p>24 THE WITNESS: With S.O.S.</p>

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<p>Page 211</p> <p>1 Restoration, it was like they -- it's</p> <p>2 like they was hiring me as like a private</p> <p>3 contractor or whatever, and they was</p> <p>4 1099'ing me.</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. 10.99 an hour?</p> <p>7 A. No. I mean, like you pay your own</p> <p>8 taxes on the money type.</p> <p>9 MS. MAYS: They were 1099'ing.</p> <p>10 MS. ROSENTHAL: Oh, okay.</p> <p>11 THE WITNESS: But I didn't work</p> <p>12 there that long. I only worked there</p> <p>13 like a month or two at the most.</p> <p>14 BY MS. ROSENTHAL:</p> <p>15 Q. Okay. And you stopped immediately</p> <p>16 upon your accident?</p> <p>17 A. Yeah.</p> <p>18 Q. Are Kareem Greenwood and Wesley</p> <p>19 Harmon friends?</p> <p>20 A. I don't know the nature of their</p> <p>21 friendship. I mean, I would like to think</p> <p>22 they know each other, because we all from</p> <p>23 around the same neighborhood. We all within</p> <p>24 about a five-block radius. But for me to say,</p>	<p>Page 213</p> <p>1 Q. Did she go by another name or names?</p> <p>2 Did she have a Muslim name?</p> <p>3 A. Sometimes they would call her Kiki.</p> <p>4 Q. Kiki?</p> <p>5 A. Yeah.</p> <p>6 Q. But does she have a Muslim name?</p> <p>7 A. I'm not sure what it is.</p> <p>8 Q. Does she have any siblings?</p> <p>9 A. Yeah. She got a couple siblings.</p> <p>10 I'm not sure of every last one of them, but...</p> <p>11 Q. Any other family members that you</p> <p>12 know or friends with?</p> <p>13 A. What you mean?</p> <p>14 Q. Are you friendly with or know any</p> <p>15 other family members by name?</p> <p>16 A. She got a brother named Mel. She</p> <p>17 got another named Pooh. And that's all I</p> <p>18 know. I know her mom named Sandy.</p> <p>19 Q. Is she in the same social -- do you</p> <p>20 have a lot of friends in common or no?</p> <p>21 A. No. The only friend we have in</p> <p>22 common is my sister Shanita, but that's about</p> <p>23 it. Nobody has kids by nobody or anything of</p> <p>24 that nature that links me and her together in</p>
<p>Page 212</p> <p>1 you know, their relationship, you would have</p> <p>2 to ask them.</p> <p>3 Q. Okay. Turn to CITY17403. What</p> <p>4 about Nakita King; who is that?</p> <p>5 A. Nakita King is my old girlfriend.</p> <p>6 Q. From what time period?</p> <p>7 A. When I was a kid.</p> <p>8 Q. Can you give me a little --</p> <p>9 A. '99.</p> <p>10 Q. Like around the time of the Jamal</p> <p>11 Kelly shooting?</p> <p>12 A. Yeah, somewhere around there.</p> <p>13 Q. Okay. But you've kept in touch</p> <p>14 since then?</p> <p>15 A. Yeah.</p> <p>16 Q. Including during your incarceration?</p> <p>17 A. Sporadically throughout the years</p> <p>18 like we stayed in touch, but, you know, at</p> <p>19 times we lost contact as well.</p> <p>20 Q. I must say you're quite good at</p> <p>21 staying in touch with people. The same names</p> <p>22 who appear in 2004 and 2005 seem to appear at</p> <p>23 the end.</p> <p>24 A. They sympathize for me.</p>	<p>Page 214</p> <p>1 no type of way, shape, form, or fashion.</p> <p>2 Q. Kenyata Boone, am I correct that --</p> <p>3 wait. Let me get -- actually I'm going to</p> <p>4 mess it up. I'll ask you.</p> <p>5 What's your relationship with</p> <p>6 Kenyata Boone?</p> <p>7 A. She's a friend.</p> <p>8 Q. Okay. Did you -- at one time were</p> <p>9 you in a relationship with a Salina -- Saleem</p> <p>10 Boone or Salina Boone?</p> <p>11 A. Oh, yeah. That's her sister, Salima</p> <p>12 Boone.</p> <p>13 Q. Did you ever get into an altercation</p> <p>14 with Kenyata Boone, like a physical</p> <p>15 altercation?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you still keep in touch</p> <p>18 with Salina?</p> <p>19 A. No.</p> <p>20 Q. And then Kenyata Boone also has a</p> <p>21 relationship to Wesley Harmon?</p> <p>22 A. Yeah.</p> <p>23 Q. Yes. Is the mother of one of his</p> <p>24 children?</p>

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<p style="text-align: right;">Page 215</p> <p>1 A. No.</p> <p>2 Q. Oh, okay. See, I said I would get</p> <p>3 it wrong.</p> <p>4 What's the relationship with Wesley</p> <p>5 Harmon?</p> <p>6 A. It was his girlfriend at one point.</p> <p>7 Q. Oh, really? Okay.</p> <p>8 Is there someone else that she had a</p> <p>9 child with that I'm --</p> <p>10 A. Not that I know of.</p> <p>11 Q. Does she have any relationship or</p> <p>12 involvement in any way, shape, or form with</p> <p>13 the underlying criminal case or proceedings or</p> <p>14 attempts to get affidavits, anything like</p> <p>15 that? No?</p> <p>16 A. No.</p> <p>17 Q. Okay. Any other mutual friends you</p> <p>18 have in common besides Wesley Harmon?</p> <p>19 A. Wesley Harmon, her sister Salima.</p> <p>20 That's it.</p> <p>21 Q. Does she have a nickname?</p> <p>22 A. Yata.</p> <p>23 Q. Yata. Do you know other Yatas?</p> <p>24 A. Not that I could think of offhand.</p>	<p style="text-align: right;">Page 217</p> <p>1 wife, hers is Munreeha?</p> <p>2 A. Munirah.</p> <p>3 Q. Munirah, okay.</p> <p>4 Who is Munreeha Scott? Am I saying</p> <p>5 that person's name right? No? Muneerha</p> <p>6 Scott?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. Let's see who else. Keandra</p> <p>9 Davis, who is that?</p> <p>10 A. That's an old girlfriend on mine</p> <p>11 named Kiki.</p> <p>12 Q. Oh, did we already go over her?</p> <p>13 A. No.</p> <p>14 Q. Oh, a different Kiki?</p> <p>15 A. Yeah.</p> <p>16 Q. Was she somebody you kept in touch</p> <p>17 with when you were incarcerated?</p> <p>18 A. Yeah. We stayed in touch.</p> <p>19 Q. Oh, sorry. Going back to Carter,</p> <p>20 Dominic Carter. Is there other family members</p> <p>21 of the Carters that you're friendly with?</p> <p>22 A. No. I don't know no other Carters.</p> <p>23 Q. Okay. What about Davises?</p> <p>24 A. No. I don't know no other Davises</p>
<p style="text-align: right;">Page 216</p> <p>1 Q. We talked about Dominic Carter. How</p> <p>2 would you describe your relationship with him</p> <p>3 now? Is he a -- would you describe him as a</p> <p>4 close friend?</p> <p>5 A. I mean, he's a good friend of mine.</p> <p>6 Q. He's a good friend of yours.</p> <p>7 And he was incarcerated during much</p> <p>8 of the same time period as you were?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. And does he have a wife named</p> <p>11 Pear Carter?</p> <p>12 A. I don't know his wife personally,</p> <p>13 but I know he does have a wife, but I'm not</p> <p>14 exactly sure what her name is. I know his</p> <p>15 wife by like an Islamic name.</p> <p>16 Q. What's that?</p> <p>17 A. Like Wadeha or Waleeha or</p> <p>18 Wah-something.</p> <p>19 Q. While we're on that topic, do you</p> <p>20 have an Islamic name?</p> <p>21 A. Yeah.</p> <p>22 Q. What's that?</p> <p>23 A. Abdul. Abdul Latief.</p> <p>24 Q. Abdul Latief. And is Monique, your</p>	<p style="text-align: right;">Page 218</p> <p>1 either.</p> <p>2 Q. Okay. Any familial relationship for</p> <p>3 either of those two people?</p> <p>4 A. What, Carter or Davis?</p> <p>5 Q. Yeah.</p> <p>6 A. No. Kiki, we are from two different</p> <p>7 parts of town. I knew her from school and I</p> <p>8 just know her. I don't know a lot of people</p> <p>9 that's connected to her.</p> <p>10 Q. Okay. Who is Jamir Martin? I don't</p> <p>11 know why there's two asterisks next to...</p> <p>12 A. I don't know.</p> <p>13 Q. That's okay if you don't know.</p> <p>14 A. I don't know.</p> <p>15 Q. What about Tracy Pettiford?</p> <p>16 A. Tracy Pettiford, it's some girl from</p> <p>17 the neighborhood that I know.</p> <p>18 Q. Did you have any kind of like</p> <p>19 romantic relationship with her?</p> <p>20 A. No, not really. No.</p> <p>21 Q. No? What was your relationship with</p> <p>22 her at the time of the Jamal Kelly murder?</p> <p>23 A. She was my friend.</p> <p>24 Q. Was she friends with Charles</p>

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<p style="text-align: right;">Page 219</p> <p>1 Paladino?</p> <p>2 A. I don't know.</p> <p>3 Q. Do you have any other mutual friends</p> <p>4 in common with Tracy Pettiford?</p> <p>5 A. Tracy has a sister named Kia. I</p> <p>6 know Kia. She have a brother named Kevin. I</p> <p>7 know Kevin, but that's about it.</p> <p>8 Q. Kia who? Kia? Last name?</p> <p>9 A. I don't know.</p> <p>10 Q. You don't know her last name?</p> <p>11 A. I mean, you know, and I don't know</p> <p>12 how it works where you're from, but in, you</p> <p>13 know, my neighborhood, it's like we don't meet</p> <p>14 and greet with first and last name basis.</p> <p>15 Some people I know as TT and I just know them</p> <p>16 as TT. Some people I know as Man-Man and I</p> <p>17 know him as Man-Man. I don't --</p> <p>18 Q. That's totally fine. I'm just</p> <p>19 trying to get as much identifying information</p> <p>20 as possible.</p> <p>21 On the next page, Saniyyah Williams?</p> <p>22 A. Yeah. Saniyyah is one of my old</p> <p>23 girlfriends.</p> <p>24 Q. Okay. There was another Williams</p>	<p style="text-align: right;">Page 221</p> <p>1 A. Because she was my girlfriend.</p> <p>2 Q. Oh, Sy knows through -- they know</p> <p>3 her through you?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay. When is the last time you've</p> <p>6 had any contact with Saniyyah Williams?</p> <p>7 A. Maybe like a year and a half ago,</p> <p>8 two years, something like that.</p> <p>9 Q. Did you ask her ever to do anything</p> <p>10 in relation to your case for you?</p> <p>11 A. No.</p> <p>12 Q. Okay. What about Willie Cooley; who</p> <p>13 is that -- Coley?</p> <p>14 A. That's some guy I know from the</p> <p>15 neighborhood.</p> <p>16 Q. Okay. Is he someone -- this is</p> <p>17 2004. Is he someone you've stayed in touch</p> <p>18 with?</p> <p>19 A. No.</p> <p>20 Q. Okay. The next page, Caron Jones.</p> <p>21 Did I say that right?</p> <p>22 A. Yeah. I don't know who that is.</p> <p>23 Q. You don't know who that person is?</p> <p>24 Okay.</p>
<p style="text-align: right;">Page 220</p> <p>1 that I asked about, Alexis Williams. Does she</p> <p>2 have any relationship to Alexis?</p> <p>3 A. No, not at all.</p> <p>4 Q. Okay. And does she have a nickname,</p> <p>5 Saniyyah Williams?</p> <p>6 A. No. I just know Saniyyah as</p> <p>7 Saniyyah.</p> <p>8 Q. As what?</p> <p>9 A. Saniyyah or --</p> <p>10 Q. Okay. When you said she was an old</p> <p>11 girlfriend, is that before you were</p> <p>12 incarcerated, during your incarceration?</p> <p>13 A. No; before I was incarcerated.</p> <p>14 Q. Okay. And has she had any</p> <p>15 relationship with any of your other friends?</p> <p>16 A. She knows Sy, Wesley Harmon. She</p> <p>17 knows Dominic Carter. She know a few of my</p> <p>18 friends.</p> <p>19 Q. She lived in the same neighborhood?</p> <p>20 A. No.</p> <p>21 Q. No?</p> <p>22 A. No.</p> <p>23 Q. Oh, okay. So how is it that they</p> <p>24 know each other then?</p>	<p style="text-align: right;">Page 222</p> <p>1 What about Ebonie Jones?</p> <p>2 A. Ebonie Jones, I don't remember</p> <p>3 Ebonie Jones either.</p> <p>4 Q. Okay. What about Shannon Glover?</p> <p>5 A. Shannon is a guy that I know from</p> <p>6 the neighborhood.</p> <p>7 Q. Were you close with him?</p> <p>8 A. No. I just know him from the</p> <p>9 neighborhood.</p> <p>10 Q. Is he currently incarcerated?</p> <p>11 A. I'm not sure.</p> <p>12 Q. Okay. Did he have any -- are you</p> <p>13 related to him by family in any way?</p> <p>14 A. No, not at all.</p> <p>15 Q. Is he related to Usef Brown in any</p> <p>16 way?</p> <p>17 A. I don't know.</p> <p>18 Q. Usef Brown is related to Glovers?</p> <p>19 No? You don't know?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. What about Darrell Johnson;</p> <p>22 who is that?</p> <p>23 A. I'm not sure who that is.</p> <p>24 Q. The name doesn't ring a bell at all?</p>

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<p style="text-align: right;">Page 223</p> <p>1 A. I mean, it could be somebody that</p> <p>2 came to see me and I know him by a nickname.</p> <p>3 When you in the county jail, like I don't see</p> <p>4 your ID.</p> <p>5 Q. You don't have to put them on your</p> <p>6 visitor list?</p> <p>7 A. No. There's no visitor list in the</p> <p>8 county jail. So I don't -- I can't dictate</p> <p>9 who is coming to visit me. You can just pop</p> <p>10 up, and I have no way of knowing, you know,</p> <p>11 your name.</p> <p>12 But it's nothing that stands out</p> <p>13 that I remember about that particular name,</p> <p>14 but it could be somebody I know by another</p> <p>15 name. But then again, it was 2004 and I don't</p> <p>16 really remember that.</p> <p>17 Q. Or him, Darrell.</p> <p>18 If you could skip a few pages to</p> <p>19 CITY17410. Are you there?</p> <p>20 A. To where?</p> <p>21 Q. CITY017410.</p> <p>22 Do you see Brandon Staratton?</p> <p>23 A. Yes.</p> <p>24 Q. Who is that?</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. You don't know his last name?</p> <p>2 A. No.</p> <p>3 Q. Some people you mentioned earlier,</p> <p>4 Lamar Rodgers, do you have a nickname for him</p> <p>5 or does he have a nickname or an Islamic name?</p> <p>6 A. Yeah. I know Lamar Rodgers as Mar.</p> <p>7 Q. Do you know him as Morf?</p> <p>8 A. No, not really. I know him as Mar.</p> <p>9 Q. You've never -- have you heard the</p> <p>10 name Morf used to refer to him?</p> <p>11 A. I know a couple people named Morf,</p> <p>12 but I never knew they called him Morf.</p> <p>13 Q. Who do you know named Morf?</p> <p>14 A. Another guy from around there.</p> <p>15 Q. Do you know any other information</p> <p>16 about him?</p> <p>17 A. I know him as Morf. I mean, you got</p> <p>18 to be mindful, I did 16 years in jail like.</p> <p>19 Q. Okay. And what about Eric Lee; you</p> <p>20 knew him by E?</p> <p>21 A. I know him as Eric Lee.</p> <p>22 Q. You never used the nickname E?</p> <p>23 A. I mean, people call him E. They</p> <p>24 call him Freak and they call him something</p>
<p style="text-align: right;">Page 224</p> <p>1 A. One of my friends.</p> <p>2 Q. How do you -- how did you meet him?</p> <p>3 A. We went to school together.</p> <p>4 Q. Is he someone you would describe as</p> <p>5 a close friend? How would you describe your</p> <p>6 relationship?</p> <p>7 A. We was good friends. We were all</p> <p>8 right.</p> <p>9 Q. Are you still good friends?</p> <p>10 A. No. He passed away.</p> <p>11 Q. Oh, okay.</p> <p>12 Was he known by any other name?</p> <p>13 A. Brandon, Bran.</p> <p>14 Q. Okay.</p> <p>15 A. Bus. Some people called him Bus.</p> <p>16 Q. Oh, okay.</p> <p>17 Is there anyone else you know that</p> <p>18 goes by the name Bus?</p> <p>19 A. Not offhand, no.</p> <p>20 Q. What about C-Bus?</p> <p>21 A. No, not offhand. C-Bus? Yeah, I</p> <p>22 know a guy named C-Bus, yeah.</p> <p>23 Q. Who is that?</p> <p>24 A. I know him as C-Bus.</p>	<p style="text-align: right;">Page 226</p> <p>1 else.</p> <p>2 Q. Is there anyone else that you know</p> <p>3 who you refer to routinely as E?</p> <p>4 A. Yeah. Everybody I know as Eric, we</p> <p>5 call them E. You know, a couple -- a lot of</p> <p>6 people that I know as Eric, we drive it short</p> <p>7 and call him E.</p> <p>8 Q. Okay.</p> <p>9 A. One of my friends, he got killed not</p> <p>10 too long ago, his name was Eric Lawson. We</p> <p>11 used to call him E. Another guy that I know</p> <p>12 from the neighborhood named Eric, we used to</p> <p>13 call him E. My sister baby father is named</p> <p>14 Eric. We call him E.</p> <p>15 Q. Who is your sister's baby father?</p> <p>16 A. I have another sister. Her name is</p> <p>17 Annette and she has kids with this guy, his</p> <p>18 name is Eric.</p> <p>19 Q. Eric what?</p> <p>20 A. His name is Eric Mundy.</p> <p>21 Q. Oh, Eric Mundy, okay.</p> <p>22 At the time of the Jamal Kelly</p> <p>23 murder, were you involved in dealing drugs at</p> <p>24 all?</p>

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<p style="text-align: right;">Page 227</p> <p>1 MR. VAN NAARDEN: Objection.</p> <p>2 THE WITNESS: I mean, at the</p> <p>3 time of Jamal Kelly's murder --</p> <p>4 MR. VAN NAARDEN: You're asking</p> <p>5 him at the time that Jamal Kelly was</p> <p>6 shot?</p> <p>7 MS. ROSENTHAL: I'm asking</p> <p>8 about during that time period.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. Do you understand that question or</p> <p>11 do you need more specification?</p> <p>12 A. I mean, I understand the question</p> <p>13 vaguely and I'm going to answer it to the best</p> <p>14 of my ability.</p> <p>15 Q. Okay. How about let's say from,</p> <p>16 yeah, the three-year period leading up to it,</p> <p>17 were you engaged in drug activity?</p> <p>18 MR. VAN NAARDEN: Objection.</p> <p>19 THE WITNESS: No. But my mom</p> <p>20 was a drug addict. My dad was a drug</p> <p>21 addict. I grew up around drugs. You</p> <p>22 know, it was always around me and, you</p> <p>23 know, it's been times where, you know, I</p> <p>24 had some type of association with drugs,</p>	<p style="text-align: right;">Page 229</p> <p>1 full-time occupation?</p> <p>2 A. I mean --</p> <p>3 MR. VAN NAARDEN: Objection.</p> <p>4 THE WITNESS: -- I'm not going</p> <p>5 to say that either. I'm just saying</p> <p>6 that, you know, I always been around</p> <p>7 drugs. My mom was a drug addict. She</p> <p>8 was hooked on drugs.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. What do you mean by "associated"</p> <p>11 with drugs?</p> <p>12 A. I mean, it's been times where I've</p> <p>13 been around drug dealers and, you know, I did</p> <p>14 had a part in it, but I wasn't the actual drug</p> <p>15 dealer.</p> <p>16 Q. You've never sold drugs to anyone</p> <p>17 else?</p> <p>18 MR. VAN NAARDEN: Objection.</p> <p>19 THE WITNESS: I mean, I have</p> <p>20 some type of dealings with drugs where I</p> <p>21 like conspire, but I actually wasn't a</p> <p>22 drug dealer, no. If you're asking me was</p> <p>23 I a drug dealer, no.</p> <p>24 BY MS. ROSENTHAL:</p>
<p style="text-align: right;">Page 228</p> <p>1 but, you know, I wasn't an active drug</p> <p>2 dealer.</p> <p>3 Like you got to be mindful, I</p> <p>4 was a child. Like in the year 2000, I</p> <p>5 was 16 years old. I was going to Simon</p> <p>6 Gratz High School. I've been around</p> <p>7 drugs. I smoked weed and, you know.</p> <p>8 BY MS. ROSENTHAL:</p> <p>9 Q. So you were always a drug user, not</p> <p>10 a drug dealer?</p> <p>11 MR. VAN NAARDEN: Objection.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. Is that what you're saying?</p> <p>14 A. What I'm saying is that in the</p> <p>15 neighborhood that I grew up in, that drugs are</p> <p>16 prevalent like and, you know, they always been</p> <p>17 around. So it's been times where I've been</p> <p>18 associated with drugs, but I never was like a</p> <p>19 full-time drug dealer and this was my</p> <p>20 occupation.</p> <p>21 Q. Okay. But when you say "associated"</p> <p>22 with drugs, I guess I had thought maybe you</p> <p>23 meant that you were just using them. But when</p> <p>24 you have at times dealt them, just not as a</p>	<p style="text-align: right;">Page 230</p> <p>1 Q. Okay. So are you defining drug</p> <p>2 dealer as a person who hands over --</p> <p>3 A. I'm just defining drug dealer as</p> <p>4 somebody that buys and sell drugs for a living</p> <p>5 that has an occupation of -- that my</p> <p>6 definition of a drug dealer is a person whose</p> <p>7 main occupation is selling drugs.</p> <p>8 Q. Right.</p> <p>9 A. They sell drugs for a lifestyle or</p> <p>10 living.</p> <p>11 Q. Yeah.</p> <p>12 A. They profit off of drugs.</p> <p>13 I mean, I was a kid. I was 16 years</p> <p>14 old at the time, and I wasn't a drug dealer.</p> <p>15 Q. So that's not how I was using the</p> <p>16 term. When you said -- well, first of all,</p> <p>17 when you say you conspire, what were you</p> <p>18 referring to?</p> <p>19 A. I mean, but like, for example, you</p> <p>20 know, if my girlfriend gives me a bag of weed</p> <p>21 for \$5, I wouldn't say she was a drug dealer.</p> <p>22 Like she gave me a bag of weed.</p> <p>23 Q. I'm asking what you meant when you</p> <p>24 used the term "conspire"?</p>

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<p style="text-align: right;">Page 231</p> <p>1 A. I mean, that I was around people</p> <p>2 that sold drugs and, you know, I knew it was</p> <p>3 wrong.</p> <p>4 Q. You were around people who sold --</p> <p>5 do you understand the difference between --</p> <p>6 A. Yeah. I'm around people that sell</p> <p>7 drugs. I ain't call the cops on them. I</p> <p>8 didn't tell on them, and I knew what was going</p> <p>9 on. I didn't tell on them.</p> <p>10 Q. But did you participate in the</p> <p>11 activity, furthering it?</p> <p>12 MR. VAN NAARDEN: Objection.</p> <p>13 BY MS. ROSENTHAL:</p> <p>14 Q. Go ahead.</p> <p>15 A. It's been times where I've been</p> <p>16 around the drugs and I ain't object to it.</p> <p>17 It's been times I got locked up for drug</p> <p>18 cases. But, no, I don't categorize myself as</p> <p>19 a drug dealer or I can't say before Jamal got</p> <p>20 murdered that my occupation was selling drugs.</p> <p>21 I'm sorry.</p> <p>22 Q. Okay. So I'm not referring to it as</p> <p>23 an occupation selling drugs. I'm referring to</p> <p>24 it as whether you were engaged in not a</p>	<p style="text-align: right;">Page 233</p> <p>1 A. I was arrested for drugs, possession</p> <p>2 of drugs.</p> <p>3 Q. Possession of drugs. Were you ever</p> <p>4 arrested for anything about manufacturing or</p> <p>5 intent to distribute?</p> <p>6 MR. VAN NAARDEN: Objection.</p> <p>7 THE WITNESS: I never had -- I</p> <p>8 never manufactured drugs ever in my life.</p> <p>9 There was a time where I got arrested, I</p> <p>10 believe it was on Woodlawn and Blakemore.</p> <p>11 I was out there with somebody that was</p> <p>12 selling drugs. They arrested a couple</p> <p>13 people that had the drugs, and because I</p> <p>14 was out there, I had conspiracy. I went</p> <p>15 to jail too. But I wasn't --</p> <p>16 BY MS. ROSENTHAL:</p> <p>17 Q. Because you were in their presence?</p> <p>18 A. Yeah. Because I was out there, I</p> <p>19 went to jail for conspiracy. I didn't have</p> <p>20 any drugs on me. They didn't find no drugs on</p> <p>21 me. They found drugs on the users, but I was</p> <p>22 out there and I was around it and I got</p> <p>23 charged too. And, you know, I knew I was</p> <p>24 wrong for being around it, and I took a deal.</p>
<p style="text-align: right;">Page 232</p> <p>1 one-off, giving a bag of weed to your</p> <p>2 girlfriend, but in selling drugs for money</p> <p>3 regardless of how full time it was?</p> <p>4 MR. VAN NAARDEN: Objection.</p> <p>5 THE WITNESS: I'm telling you</p> <p>6 that I've been around drugs my entire</p> <p>7 life. My mom was a drug user and, you</p> <p>8 know, I had some involvement in drugs,</p> <p>9 but, no, I don't consider myself a drug</p> <p>10 dealer.</p> <p>11 BY MS. ROSENTHAL:</p> <p>12 Q. I'm asking what -- I'm asking what</p> <p>13 was your involvement in drugs besides being</p> <p>14 around people with drugs?</p> <p>15 A. I mean, you know, I knew people was</p> <p>16 selling drugs and, you know, I sent people --</p> <p>17 I might had told him, he got the drugs or you</p> <p>18 bought it. But, you know, directly like, no.</p> <p>19 Q. Have you ever been arrested for a</p> <p>20 drug-related crime?</p> <p>21 A. Yes.</p> <p>22 MR. VAN NAARDEN: Objection.</p> <p>23 BY MS. ROSENTHAL:</p> <p>24 Q. What?</p>	<p style="text-align: right;">Page 234</p> <p>1 Q. I still need an answer to my</p> <p>2 question about whether you dealt drugs</p> <p>3 according to -- not according to your</p> <p>4 definition where you do it as a full-time</p> <p>5 occupation but according to my definition,</p> <p>6 which is that you gave --</p> <p>7 A. According to your definition --</p> <p>8 MR. VAN NAARDEN: Objection.</p> <p>9 THE WITNESS: -- no.</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. No? So you have not sold drugs?</p> <p>12 MR. VAN NAARDEN: Objection.</p> <p>13 THE WITNESS: According to your</p> <p>14 definition, no.</p> <p>15 BY MS. ROSENTHAL:</p> <p>16 Q. Okay. In the three-year period</p> <p>17 leading up to --</p> <p>18 MS. ROSENTHAL: Josh, this is</p> <p>19 directly relevant to --</p> <p>20 MR. VAN NAARDEN: To what?</p> <p>21 MS. ROSENTHAL: To his</p> <p>22 relationship or association with Jamal</p> <p>23 Kelly.</p> <p>24 MR. VAN NAARDEN: If you want</p>

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<p style="text-align: right;">Page 235</p> <p>1 to ask him whether or not he had any</p> <p>2 association with Jamal Kelly, you've</p> <p>3 already asked him that. I'm not going to</p> <p>4 let you just carte blanche ask him</p> <p>5 questions about arrests that he's had,</p> <p>6 which is never going to be admissible in</p> <p>7 this case.</p> <p>8 MS. ROSENTHAL: You know that</p> <p>9 depositions are not limited to --</p> <p>10 MR. VAN NAARDEN: No, but I'm</p> <p>11 not going to let him -- by the way, I've</p> <p>12 objected and I've actually let him answer</p> <p>13 those questions.</p> <p>14 MS. ROSENTHAL: Okay.</p> <p>15 MR. VAN NAARDEN: But I'm going</p> <p>16 to keep objecting.</p> <p>17 MS. ROSENTHAL: Okay. You can</p> <p>18 keep objecting.</p> <p>19 BY MS. ROSENTHAL:</p> <p>20 Q. Have you -- I'm asking if -- in the</p> <p>21 three-year period leading up to Jamal Kelly's</p> <p>22 murder, did you ever sell drugs for money?</p> <p>23 MR. VAN NAARDEN: Objection;</p> <p>24 asked and answered.</p>	<p style="text-align: right;">Page 237</p> <p>1 a lie?</p> <p>2 A. Yes. You can take it as that.</p> <p>3 Can I get a break real fast? I have</p> <p>4 to use the bathroom.</p> <p>5 Q. Yes. Of course. Of course.</p> <p>6 VIDEO TECHNICIAN: We're now</p> <p>7 going off record. The time now is</p> <p>8 5:00 p.m.</p> <p>9 - - -</p> <p>10 (Short recess.)</p> <p>11 - - -</p> <p>12 VIDEO TECHNICIAN: We're now</p> <p>13 back on record. The time is 5:06 p.m.</p> <p>14 MS. ROSENTHAL: When we were</p> <p>15 just off the record, Mr. Outlaw had just</p> <p>16 remarked that he has obligations and he</p> <p>17 works.</p> <p>18 BY MS. ROSENTHAL:</p> <p>19 Q. Are you currently employed,</p> <p>20 Mr. Outlaw?</p> <p>21 A. Yes.</p> <p>22 Q. Were are you currently employed?</p> <p>23 A. I work for -- oh, I'm sorry.</p> <p>24 I work for PAAN, the Philadelphia</p>
<p style="text-align: right;">Page 236</p> <p>1 THE WITNESS: Say what?</p> <p>2 MR. VAN NAARDEN: Go ahead.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. Okay.</p> <p>6 A. I was around people that sold drugs,</p> <p>7 but the three years leading up to Jamal's</p> <p>8 murder, did I sell drugs? No.</p> <p>9 Q. So if Charles Paladino testified</p> <p>10 that he had bought drugs from you on multiple</p> <p>11 occasions, that would be a lie?</p> <p>12 MR. VAN NAARDEN: Objection.</p> <p>13 MS. ROSENTHAL: On what ground?</p> <p>14 MR. VAN NAARDEN: I don't have</p> <p>15 the page and line, so I'm not looking at</p> <p>16 what his testimony is. I'm not so</p> <p>17 certain that's exactly what he said.</p> <p>18 MS. ROSENTHAL: Okay.</p> <p>19 THE WITNESS: Like I stated</p> <p>20 earlier, the only thing I believe from</p> <p>21 Charles Paladino is what he said</p> <p>22 Detective Peterman did to him.</p> <p>23 BY MS. ROSENTHAL:</p> <p>24 Q. So is your answer yes, that would be</p>	<p style="text-align: right;">Page 238</p> <p>1 Anti-Drug/Anti-Violence Network.</p> <p>2 Q. Oh, okay. And how many hours a week</p> <p>3 do you work there?</p> <p>4 A. I work 40 hours a week.</p> <p>5 Q. Do you get a yearly salary or just</p> <p>6 per hour?</p> <p>7 A. I believe it's a yearly salary, but</p> <p>8 I really don't know what it is, because I let</p> <p>9 my wife keep the check.</p> <p>10 Q. Your testimony today is you have no</p> <p>11 idea how much you make per year?</p> <p>12 A. That's exactly my testimony. I give</p> <p>13 my check to my wife, my paycheck.</p> <p>14 Q. You have no even ballpark</p> <p>15 understanding?</p> <p>16 A. It's 30-something thousand,</p> <p>17 somewhere around there.</p> <p>18 Q. Do you get medical benefits?</p> <p>19 A. Yes.</p> <p>20 Q. What's your position?</p> <p>21 A. It's crisis intervention, so I'm</p> <p>22 like a CCIP worker.</p> <p>23 Q. Okay. This is a good segue into the</p> <p>24 next document, which I'm going to mark as</p>

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<p>Page 239</p> <p>1 Exhibit --</p> <p>2 MS. ROSENTHAL: What number?</p> <p>3 COURT REPORTER: 15.</p> <p>4 BY MS. ROSENTHAL:</p> <p>5 Q. -- Outlaw-15. It's a one-page --</p> <p>6 two-page document Bates labeled PLAINTIFF00628</p> <p>7 to PLAINTIFF00629.</p> <p>8 - - -</p> <p>9 (Exhibit Outlaw-15 marked for</p> <p>10 identification by counsel.)</p> <p>11 - - -</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. Do you recognize this document,</p> <p>14 Mr. Outlaw?</p> <p>15 A. No, I don't recognize it.</p> <p>16 Q. You've never seen this document</p> <p>17 before in your life?</p> <p>18 A. I'm not saying that. I'm just</p> <p>19 saying I don't recognize it.</p> <p>20 Q. Would you agree it appears to be --</p> <p>21 we'll just describe it for the record. Would</p> <p>22 you agree it appears to be a resume --</p> <p>23 A. Yes.</p> <p>24 Q. -- of yours?</p>	<p>Page 241</p> <p>1 document, it looks like a resume to me, and</p> <p>2 any time I got to put a resume together, my</p> <p>3 wife does it for me, so...</p> <p>4 Q. Have you -- my question before, and</p> <p>5 I just want to give you a chance to clarify if</p> <p>6 your answer was incorrect, but I took it to</p> <p>7 mean that you do not recognize having seen</p> <p>8 this resume to your recollection; is that</p> <p>9 correct?</p> <p>10 A. I'm not going to say that. I'm just</p> <p>11 saying that, you know, this not the first</p> <p>12 thing on my mind. I'm not saying it's</p> <p>13 possible I never saw it or anything of that</p> <p>14 nature, but, you know, I know I didn't put it</p> <p>15 together. I know somebody put it together for</p> <p>16 me.</p> <p>17 Q. In searching -- is this a document</p> <p>18 that you found in searching for documents in</p> <p>19 the case?</p> <p>20 A. Yes. I told you that when I had to</p> <p>21 retrieve all the documents or whatever, I got</p> <p>22 with Monique. Monique helped me find</p> <p>23 everything, and I submitted everything I need</p> <p>24 to submit.</p>
<p>Page 240</p> <p>1 A. Yes.</p> <p>2 Q. But you have no recollection of ever</p> <p>3 seeing this?</p> <p>4 A. No, not really, and I can explain</p> <p>5 why.</p> <p>6 Q. Well, before you explain why, I just</p> <p>7 want to ask, as you can see by the Bates</p> <p>8 numbering, this was a document that was</p> <p>9 produced by you in this litigation. Is this</p> <p>10 not a document that you provided to your</p> <p>11 attorneys?</p> <p>12 A. No. It's absolutely a document I</p> <p>13 provided to my attorneys.</p> <p>14 Q. But -- okay. So explain how it is</p> <p>15 that you provided it, but you didn't see it.</p> <p>16 MR. VAN NAARDEN: Objection.</p> <p>17 THE WITNESS: I'm not saying I</p> <p>18 didn't see it. I don't know how to put</p> <p>19 together a resume.</p> <p>20 BY MS. ROSENTHAL:</p> <p>21 Q. I never asked you whether you put</p> <p>22 together. I asked if you've seen this</p> <p>23 document before.</p> <p>24 A. Right, but me looking at this</p>	<p>Page 242</p> <p>1 Q. Okay.</p> <p>2 A. And I explained to you that I rely</p> <p>3 on Monique for a whole lot of things.</p> <p>4 Q. Okay. I have not asked about</p> <p>5 Monique and I haven't asked who typed up this</p> <p>6 document.</p> <p>7 A. I'm sorry.</p> <p>8 Q. Do you see there's a phone number at</p> <p>9 the top, 215-713-8907? Is that your phone</p> <p>10 number?</p> <p>11 A. No, that's not my phone number.</p> <p>12 Q. Is that a phone number that you've</p> <p>13 ever had in the past?</p> <p>14 A. I'm not sure. I had so many</p> <p>15 numbers.</p> <p>16 Q. Do you know what the date range of</p> <p>17 this resume or do you know when this</p> <p>18 document -- well, let me strike that.</p> <p>19 Is it your understanding that</p> <p>20 Monique typed up this document?</p> <p>21 A. Yes. Monique had to do it.</p> <p>22 Q. Are you assuming that or you know?</p> <p>23 A. I'm not a hundred percent sure, but</p> <p>24 any time I got a resume done, it was through</p>

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<p style="text-align: right;">Page 243</p> <p>1 Monique.</p> <p>2 Q. Have you gotten resumes done on</p> <p>3 occasion; do you remember?</p> <p>4 A. Yeah. I had another girl put a</p> <p>5 resume together for me.</p> <p>6 Q. When was that?</p> <p>7 A. When I first was released from</p> <p>8 prison.</p> <p>9 Q. When you say "another girl," who are</p> <p>10 you referring to?</p> <p>11 A. One of my friends.</p> <p>12 Q. Who is that?</p> <p>13 A. I believe it was Alexis.</p> <p>14 Q. And do you have a copy of that</p> <p>15 resume?</p> <p>16 A. Not offhand, no.</p> <p>17 Q. What do you mean by "offhand"?</p> <p>18 A. I don't have a copy in my hand, no.</p> <p>19 Q. Okay. Do you have a copy in your</p> <p>20 possession at home or any ability to obtain a</p> <p>21 copy?</p> <p>22 A. No. She like e-mailed it to me.</p> <p>23 Q. So would it be in your e-mail?</p> <p>24 A. Yeah. It would be in one of the</p>	<p style="text-align: right;">Page 245</p> <p>1 MS. ROSENTHAL: Well --</p> <p>2 MR. VAN NAARDEN: We're not</p> <p>3 going to go back and forth on what you</p> <p>4 want --</p> <p>5 MS. ROSENTHAL: Okay. I'm just</p> <p>6 putting on the record that I'm making a</p> <p>7 request that the e-mail be searched and</p> <p>8 to the extent that there haven't been</p> <p>9 attempts to be able to go into the</p> <p>10 e-mail, then that --</p> <p>11 THE WITNESS: That was --</p> <p>12 MR. VAN NAARDEN: That's okay.</p> <p>13 MS. ROSENTHAL: It's just for</p> <p>14 the record. It's not --</p> <p>15 MR. VAN NAARDEN: But you can't</p> <p>16 just make discovery demands on the record</p> <p>17 and expect them to be honored. You got</p> <p>18 to send us an actual formal discovery</p> <p>19 request, and we will respond to it in</p> <p>20 kind. Just like putting stuff on the</p> <p>21 record is not going to obligate me or my</p> <p>22 client to give you anything.</p> <p>23 MS. ROSENTHAL: Okay. I think</p> <p>24 that the law is what it is on that, so</p>
<p style="text-align: right;">Page 244</p> <p>1 e-mails that I can't get in.</p> <p>2 Q. That you can't get in?</p> <p>3 A. Yeah. I told you, once I lose my</p> <p>4 device, then I can no longer log into the</p> <p>5 e-mail, because the e-mail be attached to the</p> <p>6 phone. And then sometimes when you try to go</p> <p>7 into the e-mail, it sends like a security</p> <p>8 something and, you know, I was confused about</p> <p>9 it, tried to get Monique to help me, and</p> <p>10 sometimes I can't get in it. It like send</p> <p>11 some type of security where you log in there</p> <p>12 from a different device. It does something</p> <p>13 and it locks and then you're unable to get in.</p> <p>14 Q. Okay.</p> <p>15 A. You don't know what I'm talking</p> <p>16 about?</p> <p>17 MS. ROSENTHAL: Mr. Outlaw</p> <p>18 seems to have a Gmail account that's used</p> <p>19 quite frequently. I would ask that you</p> <p>20 make efforts to attempt to reset the</p> <p>21 password for him.</p> <p>22 MR. VAN NAARDEN: We've already</p> <p>23 made attempts and we've fully responded</p> <p>24 to your discovery.</p>	<p style="text-align: right;">Page 246</p> <p>1 I'm not going to waste time arguing about</p> <p>2 it now.</p> <p>3 BY MS. ROSENTHAL:</p> <p>4 Q. When is the last time you were able</p> <p>5 to log into your Gmail account?</p> <p>6 A. I honestly don't know.</p> <p>7 Q. Has Monique ever put together a</p> <p>8 resume for you before?</p> <p>9 A. Yes. I believe she put together</p> <p>10 this one.</p> <p>11 Q. Has she put together any other</p> <p>12 resumes?</p> <p>13 A. I'm not sure, but any time I have a</p> <p>14 resume to do, she did it.</p> <p>15 Q. Okay. But I'm asking when you say</p> <p>16 any time you had a resume to do, are you</p> <p>17 recalling specific instances?</p> <p>18 A. Whenever I apply for a job -- you</p> <p>19 know, I'm not literate with a lot of stuff</p> <p>20 like applying for jobs and say, right, if I</p> <p>21 want to work at Sam's Club, I ask Monique for</p> <p>22 her help with filling out an application, and</p> <p>23 I would rely on her to do it. So if they</p> <p>24 asking for a resume, I'm relying on Monique to</p>

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<p style="text-align: right;">Page 247</p> <p>1 send them the resume.</p> <p>2 Q. So does Monique fill out the job</p> <p>3 applications for you and then send them</p> <p>4 without you reviewing them in advance?</p> <p>5 A. I scan through it and that's that.</p> <p>6 Q. Okay. So you've seen resumes</p> <p>7 attached to other job applications?</p> <p>8 A. I'm pretty sure I did.</p> <p>9 Q. And have there been other versions</p> <p>10 of resumes other than this one?</p> <p>11 A. I'm not sure. I can't really think</p> <p>12 back off of my memory and say -- pick out</p> <p>13 inconsistencies in resumes that's not before</p> <p>14 me.</p> <p>15 Q. Sorry. I feel like I asked this</p> <p>16 question, but I can't remember your answer.</p> <p>17 Did you say that you're assuming she put</p> <p>18 together this one or you specifically had a</p> <p>19 conversation with her about it?</p> <p>20 A. I'm telling you that this resume</p> <p>21 right here, Monique had to put it together.</p> <p>22 Q. And you say "had to" because why?</p> <p>23 A. Because Monique does my resumes for</p> <p>24 me.</p>	<p style="text-align: right;">Page 249</p> <p>1 subpoena, you went through the documents</p> <p>2 together?</p> <p>3 A. I mean, I scanned through some of</p> <p>4 the stuff, but I can't say that.</p> <p>5 Q. Do you know where she found this?</p> <p>6 A. No, I don't.</p> <p>7 Q. And the e-mails at the top, the</p> <p>8 doutlaw1983@iCloud.com, is that an e-mail</p> <p>9 address you currently use?</p> <p>10 A. That was my last e-mail.</p> <p>11 Q. From what time period?</p> <p>12 A. From probably like a month ago.</p> <p>13 Q. For how long did you have it?</p> <p>14 A. I might have had it for like two,</p> <p>15 three months.</p> <p>16 Q. And you're unable to get into that</p> <p>17 e-mail account?</p> <p>18 A. Yeah. I can't get in it no more.</p> <p>19 Q. Okay. I'm just -- I'm not asking to</p> <p>20 be difficult. I just legitimately have not</p> <p>21 had the experience of not being able to look</p> <p>22 at e-mails when you change phones. So that's</p> <p>23 why I'm asking.</p> <p>24 Have you tried to change the</p>
<p style="text-align: right;">Page 248</p> <p>1 Q. Well, you said another girl did in</p> <p>2 another instance?</p> <p>3 A. A year -- two years ago when I first</p> <p>4 came home from jail.</p> <p>5 Q. And who is the name of that person?</p> <p>6 A. A girl named Alexis. But I didn't</p> <p>7 even use the resume she put together for me,</p> <p>8 because my wife had an issue with somebody</p> <p>9 else doing a resume for me.</p> <p>10 Q. Was that also sent to Monique via</p> <p>11 e-mail?</p> <p>12 A. No. Monique would have had a heart</p> <p>13 attack.</p> <p>14 Q. Okay. And was that Alexis -- was</p> <p>15 that the same Alexis we had talked about</p> <p>16 before, Alexis Williams?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Do you know when Monique put</p> <p>19 together this resume?</p> <p>20 A. No, I don't. Unless it's a date on</p> <p>21 there, I wouldn't be able to tell you when.</p> <p>22 Q. And then when you were going</p> <p>23 through -- did you say that when you were</p> <p>24 collecting documents responsive to the</p>	<p style="text-align: right;">Page 250</p> <p>1 password?</p> <p>2 A. Yes. I don't know how to do it.</p> <p>3 Like I rely on my wife, and she will try to</p> <p>4 show me exactly what's going on, but I don't</p> <p>5 really comprehend that stuff like that, so I</p> <p>6 get my wife to do it.</p> <p>7 Q. You asked your wife to try to change</p> <p>8 the password?</p> <p>9 A. I told my wife to get me into the</p> <p>10 e-mail, and it locked me out for whatever</p> <p>11 reason.</p> <p>12 Q. Have you had a conversation with</p> <p>13 your wife about trying to reset the password?</p> <p>14 A. Yes.</p> <p>15 Q. And did she try?</p> <p>16 A. Yeah. Whatever reason, because I'm</p> <p>17 not logging in in the same device, it won't</p> <p>18 let me in.</p> <p>19 Q. That's for the iCloud account?</p> <p>20 A. For both of the accounts. For</p> <p>21 whatever reason, from my experience with my --</p> <p>22 when I lose my phone, I don't have that device</p> <p>23 no more, they won't let me in to them e-mails.</p> <p>24 I don't know if it's specifically with me or</p>

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<p>Page 251</p> <p>1 what, but --</p> <p>2 Q. Have you tried using -- I know you</p> <p>3 don't have a computer, but have you tried</p> <p>4 using a computer at the library or somewhere</p> <p>5 else to log in to these accounts?</p> <p>6 A. I tried logging into the accounts.</p> <p>7 I couldn't get in.</p> <p>8 Q. On your phone?</p> <p>9 A. I called my wife, got my wife to try</p> <p>10 to do it. She couldn't do it. Monique is my</p> <p>11 go-to.</p> <p>12 Q. I'm going to strike that. I move to</p> <p>13 strike that answer as non-responsive.</p> <p>14 Have you tried using a computer to</p> <p>15 reset the e-mail accounts?</p> <p>16 A. I don't have a computer, so I can't</p> <p>17 say I did, no.</p> <p>18 Q. Okay.</p> <p>19 A. But --</p> <p>20 Q. When did you last have access to</p> <p>21 outlawdon484@gmail.com? Was that your e-mail</p> <p>22 address at one time? Sorry. Strike that.</p> <p>23 Did you ever have an e-mail address</p> <p>24 outlawdon484@gmail.com?</p>	<p>Page 253</p> <p>1 A. I can't answer that question. I</p> <p>2 really don't know like. I changed my phone a</p> <p>3 lot, and I don't know --</p> <p>4 Q. Okay.</p> <p>5 A. I don't know how to answer the</p> <p>6 question. I don't know. I don't know.</p> <p>7 Q. Does --</p> <p>8 A. I'm sorry, but I just don't know.</p> <p>9 Q. Okay. Do you have an e-mail account</p> <p>10 currently?</p> <p>11 A. I'm pretty sure I do, but I think</p> <p>12 I'm operating off of -- Monique set up my</p> <p>13 phone, so I'm operating off of Monique e-mail.</p> <p>14 She got her e-mail attached to my phone.</p> <p>15 We're sharing the iCloud.</p> <p>16 Q. Oh, so do you have access to her</p> <p>17 e-mail account?</p> <p>18 A. Yeah. I got access to it probably</p> <p>19 from my phone, but...</p> <p>20 Q. The monique@aol.com account?</p> <p>21 A. Yeah.</p> <p>22 Q. But you understand she may have set</p> <p>23 up another e-mail address for you when you got</p> <p>24 your new iPhone a couple weeks ago?</p>
<p>Page 252</p> <p>1 A. Yes.</p> <p>2 Q. When did you have that?</p> <p>3 A. I don't know. I know I had it at</p> <p>4 one point, but I'm not sure. I changed my</p> <p>5 phone so much.</p> <p>6 Q. Can you give me a rough time period?</p> <p>7 A. I can't.</p> <p>8 Q. Was it a long time period that you</p> <p>9 had that one?</p> <p>10 A. I can't. It's between from when I</p> <p>11 got off of house arrest until now.</p> <p>12 Q. Do you have any record or any way of</p> <p>13 being able to tell all the different e-mail</p> <p>14 accounts that you've had over the time period?</p> <p>15 A. No.</p> <p>16 Q. Do you know whether this is the</p> <p>17 e-mail account that you had just before the</p> <p>18 iCloud account?</p> <p>19 A. Excuse me?</p> <p>20 Q. You said you had the iCloud account</p> <p>21 about a month ago for two to three months</p> <p>22 before that. Is the outlawdon account the</p> <p>23 account you had immediately before the</p> <p>24 doutlaw1983?</p>	<p>Page 254</p> <p>1 A. I don't know. All I know is she set</p> <p>2 up -- she set her e-mail up to my phone.</p> <p>3 Q. Okay. You said that -- I believe</p> <p>4 that you said that Monique doesn't have a</p> <p>5 computer. Do you know how this was typed up?</p> <p>6 A. You would have to ask Monique that.</p> <p>7 Q. When you were reviewing documents to</p> <p>8 provide to counsel and going over them</p> <p>9 together, you saw a hard copy of this that was</p> <p>10 printed out; you didn't see it on any kind of</p> <p>11 a device?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you know what purpose Monique</p> <p>14 typed up this resume for?</p> <p>15 A. I don't remember.</p> <p>16 Q. Looking at this resume, is your work</p> <p>17 history accurate since leaving -- since being</p> <p>18 released from incarceration, from the time you</p> <p>19 were granted bail?</p> <p>20 A. For the most part. There's some</p> <p>21 things I don't really agree with.</p> <p>22 Q. What don't you agree with?</p> <p>23 A. But, yeah, I guess most of it is</p> <p>24 accurate. This is what my job does, but the</p>

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<p style="text-align: right;">Page 255</p> <p>1 last, maintain accurate paper and computer 2 files, no, that's not accurate. 3 Q. Okay. What about the names of the 4 organization and the date ranges and 5 locations? 6 A. I can't -- I don't know. I can't 7 say that, because I'm really -- 8 Q. Don't worry about the back page. 9 That's not work history. 10 You can't say whether it's accurate 11 that you worked at these two organizations 12 during those date ranges? 13 A. I believe I did start PAAN in 14 December of 2020. As far as S.O.S. 15 Restoration, I can't really remember, because 16 I didn't work there that long. PAAN, I'm 17 still working there, so I know when I started. 18 S.O.S., I was there for a short period of 19 time, so it's like faint to me. 20 Q. Can you just remember just to speak 21 up so she can hear you a little better. 22 A. Oh, I'm sorry. With PAAN it's a 23 little -- I'm still working there. 24 Q. Okay. So it's accurate you worked</p>	<p style="text-align: right;">Page 257</p> <p>1 A. So I asked for a leave. 2 Q. And you were a CCIP advocate the 3 entire time, that was your title? 4 You have to use words. 5 A. Yes. I'm sorry. 6 Q. And that's a -- that was a full-time 7 job for the entire time period you were 8 employed there? 9 A. Yes, 40 hours a week. 10 Q. And including benefits? 11 A. Yes, medical and dental. 12 Q. Medical and dental. 13 Do you get your health insurance 14 through your employer or through Monique's? 15 A. Through my employer. 16 Q. Okay. And then does she get it 17 through her own? 18 A. I'm not sure. 19 Q. You're not sure, okay. 20 And then you said S.O.S. Restoration 21 and Rebuilders, LLC, you don't believe you 22 started September 2019? 23 A. I didn't say that. I'm just not 24 sure exactly.</p>
<p style="text-align: right;">Page 256</p> <p>1 there from December 2020 to the present as a 2 CCIP advocate? 3 A. No. 4 Q. Okay. What's not accurate? 5 A. That I took a break in between. I 6 started in December. I worked probably up 7 until September. I was off for like two 8 months and then started back in probably 9 December of '21. So I had like a three-month 10 gap of being off. 11 Q. Okay. So you would say the date 12 range was December 2020 to September 2021 and 13 then December 2021 to the present? 14 A. Yeah, around there about. I can't a 15 hundred percent say. I just know like I had a 16 gap. 17 Q. A couple months? 18 A. That I had stopped working there 19 for. 20 Q. What was the reason for that? 21 A. My mom had passed away. I was under 22 a lot of stress. I couldn't adequately do my 23 job. 24 Q. Okay.</p>	<p style="text-align: right;">Page 258</p> <p>1 Q. Oh, I believe earlier you had given 2 a date. 3 A. No. I never gave a date. 4 Q. Oh, you didn't? Okay. 5 Well, didn't we discuss the fact 6 that you weren't approved to work there while 7 you were on house arrest? 8 A. Yes. 9 Q. And you were on house arrest in 10 September 2019? 11 A. Was I on house arrest? Yeah, I was 12 on house arrest September 2019. 13 Q. Okay. When was your house arrest 14 lifted? 15 A. I was released from prison, I think, 16 in maybe August 1st or July 31st of 2020. 17 Q. Okay. And so when it says to 18 present, that's not correct, but you don't 19 know the date that this was drafted, so it 20 could have been to present at the time? 21 A. No. That couldn't have been. That 22 date got to be off. It got to be some typo, 23 because when I was on house arrest, they 24 wouldn't allow me to work there.</p>

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<p style="text-align: right;">Page 259</p> <p>1 Q. Right. Oh, I mean as far as to</p> <p>2 present.</p> <p>3 A. It might be 2020 until whenever this</p> <p>4 was for.</p> <p>5 Q. Okay. And how many hours a week did</p> <p>6 you say you worked at S.O.S. Restoration?</p> <p>7 A. At S.O.S. Restoration I was doing</p> <p>8 about 48 hours sometimes.</p> <p>9 Q. So you worked 48 hours a week there</p> <p>10 while simultaneously doing 40 hours a week at</p> <p>11 Urban Affairs Coalition? You had two jobs?</p> <p>12 A. Yeah.</p> <p>13 Q. And did you receive benefit -- you</p> <p>14 received an annual salary through S.O.S. and</p> <p>15 also benefits?</p> <p>16 A. No. No. S.O.S. didn't work like</p> <p>17 that.</p> <p>18 Q. Oh, that was the one you said was</p> <p>19 per hour?</p> <p>20 A. Excuse me?</p> <p>21 Q. It was per hour?</p> <p>22 A. Yeah. You get paid by the hour and</p> <p>23 then it's --</p> <p>24 Q. Do you have any other work history</p>	<p style="text-align: right;">Page 261</p> <p>1 been fired from a job?</p> <p>2 A. No, I don't think so.</p> <p>3 I'm sorry. I'm getting a little</p> <p>4 tired.</p> <p>5 Q. You're good to continue?</p> <p>6 A. Yes. I'm great. We're going to go</p> <p>7 as long as we need to go.</p> <p>8 Q. Okay. And then on the back, you see</p> <p>9 Education and Certifications. It says high</p> <p>10 school diploma?</p> <p>11 A. Yeah.</p> <p>12 Q. That's not accurate, right?</p> <p>13 A. No. I got a GED, but same thing.</p> <p>14 Q. Are you a certified healthcare aide?</p> <p>15 A. Yeah. I got -- I had went to this</p> <p>16 Stratford Career Institution when I was</p> <p>17 incarcerated and I got -- that's what I was</p> <p>18 telling my sister about over the phone. I got</p> <p>19 like the module where I passed the course.</p> <p>20 Q. Yeah.</p> <p>21 A. And also for the drug and alcohol</p> <p>22 treatment thing, I went to Stratford Career</p> <p>23 Institution and got a certification in that as</p> <p>24 well.</p>
<p style="text-align: right;">Page 260</p> <p>1 since being released from incarceration?</p> <p>2 A. Not that I can think of offhand.</p> <p>3 I'm not sure.</p> <p>4 Q. Well, I mean, we're only talking</p> <p>5 about two different employers. Would it be</p> <p>6 that difficult -- I would think that -- one</p> <p>7 would think that you would remember if you had</p> <p>8 worked for another employer in the last couple</p> <p>9 of years.</p> <p>10 A. I mean, I don't remember. I don't</p> <p>11 know.</p> <p>12 Q. Okay. But it's possible you could</p> <p>13 have worked for another employer and</p> <p>14 forgotten?</p> <p>15 A. Yeah. If I did, it wasn't that</p> <p>16 long.</p> <p>17 Q. I'm sorry?</p> <p>18 A. I mean, if I did, it wasn't for that</p> <p>19 long. I just don't --</p> <p>20 Q. Have you ever been terminated from a</p> <p>21 job?</p> <p>22 A. No, not that I know of.</p> <p>23 Q. After incarceration -- by</p> <p>24 "terminated," I mean fired. Have you ever</p>	<p style="text-align: right;">Page 262</p> <p>1 Q. The PPP loan that you had testified</p> <p>2 you had gotten from the federal government</p> <p>3 during COVID that was over \$20,000, what</p> <p>4 business was that for?</p> <p>5 A. I believe it was for Outlaw</p> <p>6 Demolition and Restoration.</p> <p>7 Q. What was the loan -- what was the</p> <p>8 purpose of the loan?</p> <p>9 A. The purpose of the loan was to put</p> <p>10 into the business.</p> <p>11 Q. It wasn't for employee payroll</p> <p>12 protection?</p> <p>13 A. From my understanding, it was for --</p> <p>14 a percentage was for payroll, a percentage was</p> <p>15 for supplies or whatever.</p> <p>16 Q. Are you an owner of Outlaw</p> <p>17 Demolition and Restoration?</p> <p>18 A. I guess, yeah.</p> <p>19 Q. What type of entity? Is it an LLC?</p> <p>20 A. Yes.</p> <p>21 Q. And are there other members? You're</p> <p>22 a member?</p> <p>23 A. Yes.</p> <p>24 Q. Are there other members?</p>

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<p style="text-align: right;">Page 263</p> <p>1 A. Yes.</p> <p>2 Q. Who?</p> <p>3 A. Monique and our son, Deandre.</p> <p>4 Q. Did Deandre get his own PPP loan as</p> <p>5 well?</p> <p>6 A. I'm not sure.</p> <p>7 Q. You're not sure if he got one also</p> <p>8 for Demolition at the same address as you?</p> <p>9 A. I don't know.</p> <p>10 Q. And how many employees does Outlaw</p> <p>11 Demolition and Restoration have?</p> <p>12 A. Currently right now we're like</p> <p>13 stagnated. The business is not really doing</p> <p>14 too good right now.</p> <p>15 Q. Since when?</p> <p>16 A. For a couple months now.</p> <p>17 Q. I need more accurate than a couple</p> <p>18 months.</p> <p>19 A. I mean, I would have to go look at</p> <p>20 my books and, you know, to give you anything</p> <p>21 accurate.</p> <p>22 Q. Well, what changed? When you say</p> <p>23 it's "stagnated," you had employees and you no</p> <p>24 longer have employees?</p>	<p style="text-align: right;">Page 265</p> <p>1 A. Yeah. I contracted with them</p> <p>2 depending on the job. If I land a job, I will</p> <p>3 hire the guys.</p> <p>4 Q. Did you fill out the paperwork for</p> <p>5 the PPP loan or did Monique?</p> <p>6 MR. VAN NAARDEN: Objection.</p> <p>7 THE WITNESS: Neither one of</p> <p>8 us.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. Who filled it out?</p> <p>11 A. A guy I know.</p> <p>12 Q. Who?</p> <p>13 A. A guy named Wes.</p> <p>14 Q. Wes who?</p> <p>15 A. I'm not sure of Wes's last name.</p> <p>16 Q. Wesley Harmon?</p> <p>17 A. No. It's not Wesley Harmon. Wesley</p> <p>18 Harmon name is Sy.</p> <p>19 Q. Sy?</p> <p>20 A. Yeah, Sy, like S-Y.</p> <p>21 Q. Why did Wes do it? Did he have any</p> <p>22 special expertise?</p> <p>23 A. He came to me and, you know, say he</p> <p>24 could help me out with my business, and he</p>
<p style="text-align: right;">Page 264</p> <p>1 A. Yes.</p> <p>2 Q. How many employees did you have?</p> <p>3 A. I had a few employees. Probably</p> <p>4 between six to ten, somewhere around there.</p> <p>5 Q. You had six to ten employees at</p> <p>6 Outlaw Demolition and Restoration?</p> <p>7 Were you performing the demolition</p> <p>8 and restoration work yourself or acting as a</p> <p>9 manager?</p> <p>10 A. I was mainly acting as a manager.</p> <p>11 Q. And what role does Monique have in</p> <p>12 that business?</p> <p>13 A. She don't really play a role in it.</p> <p>14 Q. For how long did Outlaw Demolition</p> <p>15 and Restoration keep the ten employees?</p> <p>16 A. It didn't last long. I mean, I</p> <p>17 wasn't laying really jobs like that. With me</p> <p>18 marketing the business, it depends on me</p> <p>19 landing a job. I would only have a few jobs,</p> <p>20 and the workers, you know, got tired of me not</p> <p>21 being consistent and --</p> <p>22 Q. So was it like you didn't hire</p> <p>23 workers full time, it would -- you contracted</p> <p>24 with them?</p>	<p style="text-align: right;">Page 266</p> <p>1 filled it out for me and that was that.</p> <p>2 Q. How many hours per week have you</p> <p>3 devoted on average over the last year to</p> <p>4 Outlaw Demolition and Restoration?</p> <p>5 A. I can't say for sure. I don't know.</p> <p>6 Q. Less than five hours per week?</p> <p>7 A. I mean, I don't know. At one point</p> <p>8 I was devoting a lot of time, a lot of effort</p> <p>9 into it, but when it wasn't working out for me</p> <p>10 the way I wanted it to, I started mainly</p> <p>11 focusing on my job.</p> <p>12 Q. At its height how many hours were</p> <p>13 you working?</p> <p>14 A. I don't know. I would have to go</p> <p>15 look at the books to give you --</p> <p>16 Q. Who keeps the books?</p> <p>17 A. Deandre, our son. He really in</p> <p>18 control of that one.</p> <p>19 Q. How much income have you made over</p> <p>20 the last year from the business?</p> <p>21 A. I haven't made that much money.</p> <p>22 Q. Okay. But I'm asking approximately</p> <p>23 how much.</p> <p>24 A. I'm saying approximately I don't</p>

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<p style="text-align: right;">Page 267</p> <p>1 know. It wasn't that much.</p> <p>2 Q. Well, I don't know what not that</p> <p>3 much means to you, so --</p> <p>4 A. A few thousand.</p> <p>5 Q. A few thousand. What about the year</p> <p>6 before?</p> <p>7 A. I can't say.</p> <p>8 Q. A few thousand as well?</p> <p>9 A. The year before Deandre was mainly,</p> <p>10 you know, in control of it, so I don't know.</p> <p>11 Q. But you're a member of the LLC,</p> <p>12 aren't you?</p> <p>13 A. Yes, I am. But it's my family. I</p> <p>14 trust him.</p> <p>15 Q. Well, it was your name on the PPP</p> <p>16 loan, right?</p> <p>17 A. Yeah. I never said it wasn't.</p> <p>18 Q. So you asked for \$20,000 for a</p> <p>19 business that was making a couple thousand a</p> <p>20 year?</p> <p>21 A. The business was generating money,</p> <p>22 but as far as exactly what I asked for, how I</p> <p>23 asked for it, I didn't fill out the</p> <p>24 application to tell you exactly what I put,</p>	<p style="text-align: right;">Page 269</p> <p>1 happens, I will be sure to send it to Josh.</p> <p>2 Q. Are the two tax returns we showed</p> <p>3 you, are those the only two tax returns you</p> <p>4 filed in your life?</p> <p>5 A. I don't know.</p> <p>6 Q. You didn't file any in prison,</p> <p>7 right?</p> <p>8 A. No. I was in jail. How can I file</p> <p>9 it in prison?</p> <p>10 Q. Well, I won't give you legal advice</p> <p>11 on that, but there is an obligation if you</p> <p>12 make certain amounts of money to file tax</p> <p>13 returns. I don't know how much you made,</p> <p>14 but...</p> <p>15 What about the other LLC? Do you</p> <p>16 have a connection to Outlaw Tender Touch?</p> <p>17 A. Monique runs that. I don't have --</p> <p>18 I can't give you anything on that. I don't</p> <p>19 know.</p> <p>20 Q. Do you have any -- I'm just checking</p> <p>21 the time.</p> <p>22 Do you have any affiliation at all</p> <p>23 with them?</p> <p>24 A. I do a little word of mouth</p>
<p style="text-align: right;">Page 268</p> <p>1 how I put it on there. I had help with</p> <p>2 filling out the application. So I don't know</p> <p>3 exactly what they put on the application.</p> <p>4 Q. And I assume that you don't know</p> <p>5 whether the income that you received from</p> <p>6 Outlaw Demolition and Restoration was</p> <p>7 reflected on your tax returns since you didn't</p> <p>8 fill them out and didn't see them before they</p> <p>9 were filed?</p> <p>10 A. No, but me and Monique had a</p> <p>11 conversation and she end up amending the taxes</p> <p>12 because she saw some type of flaw or whatever.</p> <p>13 She's trying to make it right, whatever was</p> <p>14 wrong.</p> <p>15 Q. Have they already been resubmitted?</p> <p>16 A. Yeah. As soon as we get it out,</p> <p>17 we'll send it over to you.</p> <p>18 Q. Have they been submitted to the</p> <p>19 federal --</p> <p>20 A. I mean, I don't -- I'm not --</p> <p>21 Q. Are you amending your state taxes as</p> <p>22 well?</p> <p>23 A. I don't know too much about that. I</p> <p>24 rely on my wife to do that. So whenever that</p>	<p style="text-align: right;">Page 270</p> <p>1 marketing, but besides that, not really.</p> <p>2 Q. Well, do you have any either as a</p> <p>3 member or manager or employee, anything other</p> <p>4 than just it -- you know, providing some help</p> <p>5 as a family member?</p> <p>6 A. No. I don't do nothing. I let</p> <p>7 Monique run it.</p> <p>8 Q. Do you know why documents related to</p> <p>9 Outlaw Tender Touch were produced in response</p> <p>10 to a request for production about your income?</p> <p>11 A. Because me and Monique are married</p> <p>12 and we have a joint income. I told you, my</p> <p>13 whole paycheck goes to Monique. We consider</p> <p>14 our income as one.</p> <p>15 Q. Okay. We didn't receive any</p> <p>16 documents related to her paralegal employment,</p> <p>17 though.</p> <p>18 A. I'm sorry to hear that, but</p> <p>19 whatever --</p> <p>20 Q. You consider that your income?</p> <p>21 A. No. I don't get none of Monique's</p> <p>22 money. Monique takes my money. What's mine</p> <p>23 is hers. What's hers is hers.</p> <p>24 Q. Do you have an understanding when</p>

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<p style="text-align: right;">Page 271</p> <p>1 you're filing the revised tax return whether</p> <p>2 they're going to be filed as jointly?</p> <p>3 A. I'm not sure how it's going to go,</p> <p>4 but whenever it's done, I will give it to Josh</p> <p>5 and he will hand over everything he needs to</p> <p>6 hand over to you for --</p> <p>7 Q. Do you have an idea of how long it</p> <p>8 will be?</p> <p>9 A. A couple weeks.</p> <p>10 Q. Did you file a tax return in 2020?</p> <p>11 No. Sorry. Strike that.</p> <p>12 MS. ROSENTHAL: I think we have</p> <p>13 to break now, because I have to go, and</p> <p>14 then I guess we'll come back at -- I will</p> <p>15 rush her home and bring -- unless you</p> <p>16 want a puppy barking, and then come by --</p> <p>17 I will take -- I hope I'll be back by</p> <p>18 6:10. I'll do my very, very best.</p> <p>19 MR. VAN NAARDEN: Okay.</p> <p>20 VIDEO TECHNICIAN: We're now</p> <p>21 going off record. The time now is 5:40</p> <p>22 p.m.</p> <p>23 - - -</p> <p>24 (Recess.)</p>	<p style="text-align: right;">Page 273</p> <p>1 A. I can't give an accurate amount.</p> <p>2 Maybe a few hundred bucks, a couple hundred.</p> <p>3 Three, four hundred.</p> <p>4 Q. Is that a lot of money for you and</p> <p>5 your household given your income?</p> <p>6 A. It depends. Sometimes it is;</p> <p>7 sometimes it's not.</p> <p>8 Q. And is it your practice to give that</p> <p>9 amount of money to any of your friends who are</p> <p>10 incarcerated?</p> <p>11 A. Yes. Any of my friends that have</p> <p>12 reached out to me that's in need, if I can</p> <p>13 help them out, I try my best to help them out.</p> <p>14 It's -- you know, I got the</p> <p>15 mentality of I understand exactly what it's</p> <p>16 like to be in jail. I understand that</p> <p>17 sometimes a person might need to call Imam,</p> <p>18 and it's not free to make a phone call.</p> <p>19 Sometimes a person might not like the meal</p> <p>20 that they serving and they might want to get</p> <p>21 something to eat, so -- and there's other</p> <p>22 things in jail where you need money for. You</p> <p>23 need money to put music on your tablet.</p> <p>24 You know, throughout my</p>
<p style="text-align: right;">Page 272</p> <p>1 (Ms. Mays left the conference</p> <p>2 room.)</p> <p>3 - - -</p> <p>4 VIDEO TECHNICIAN: We're now</p> <p>5 back on record. The time is 6:49 p.m.</p> <p>6 BY MS. ROSENTHAL:</p> <p>7 Q. We're back on the record.</p> <p>8 How would you describe your</p> <p>9 relationship with Christopher Holder right now</p> <p>10 in more detail than he's a friend, if he is</p> <p>11 one?</p> <p>12 A. Christopher Holder, he's currently</p> <p>13 incarcerated. If I could do anything, like</p> <p>14 there's been times where I got my wife to send</p> <p>15 him money on his books, like if he's doing</p> <p>16 Ramadan or anything like that due to, you</p> <p>17 know, me being incarcerated and so forth and</p> <p>18 so on and, you know, me considering him to be</p> <p>19 a friend, I have sent him money.</p> <p>20 I don't really -- I rarely talk to</p> <p>21 him, but I consider him still to be a friend,</p> <p>22 but he's serving time.</p> <p>23 Q. And what would you say is about the</p> <p>24 total amount of money that you've sent him?</p>	<p style="text-align: right;">Page 274</p> <p>1 incarceration, like, you know, certain songs,</p> <p>2 you know, helped me get through the night.</p> <p>3 So I got a mentality of that if I</p> <p>4 could do anything to help him out, if I got</p> <p>5 it, like I will send my money if I can,</p> <p>6 because I can directly relate to what they</p> <p>7 going through, especially the guys that I feel</p> <p>8 as though are actually innocent. But, you</p> <p>9 know, whether they innocent or not is</p> <p>10 irrelevant. I think I know exactly what they</p> <p>11 going through. I got empathy for them, and if</p> <p>12 I consider them a friend, I know how much it</p> <p>13 means to them to send \$50 or \$100.</p> <p>14 Q. I'm going to -- I've given you the</p> <p>15 chance to elaborate, but I'm going to cut you</p> <p>16 off at this point, because my question was</p> <p>17 much more limited about describing your</p> <p>18 relationship.</p> <p>19 MR. VAN NAARDEN: Note my</p> <p>20 objection. You said -- you asked him</p> <p>21 specifically if he's more than a friend,</p> <p>22 to elaborate. That was your initial</p> <p>23 question.</p> <p>24 MS. ROSENTHAL: Yes, but now --</p>

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<p>Page 275</p> <p>1 MR. VAN NAARDEN: And he did.</p> <p>2 MS. ROSENTHAL: -- he's</p> <p>3 repeating himself.</p> <p>4 THE WITNESS: But the question</p> <p>5 was about the money that I sent to jail.</p> <p>6 MR. VAN NAARDEN: Right.</p> <p>7 That's also true.</p> <p>8 BY MS. ROSENTHAL:</p> <p>9 Q. Can you name the names of any other</p> <p>10 inmates who you've sent similar amounts of</p> <p>11 money to?</p> <p>12 A. A guy named Dominic Carter.</p> <p>13 Q. You've actually sent much more than</p> <p>14 that to Dominic Carter, haven't you?</p> <p>15 MR. VAN NAARDEN: Objection.</p> <p>16 THE WITNESS: I don't know</p> <p>17 exactly how much I sent to Dominic</p> <p>18 Carter, but any chance I get, I send Dom</p> <p>19 money. So, yeah, I've sent Dom money on</p> <p>20 several occasions. Anything I could do</p> <p>21 to help Dom out, I try my best to help</p> <p>22 him out.</p> <p>23 BY MS. ROSENTHAL:</p> <p>24 Q. You've spoken to Holder about the</p>	<p>Page 277</p> <p>1 talking about when I'm -- if I would reference</p> <p>2 conversations where there's discussions about</p> <p>3 large checks being sent to him in relation to</p> <p>4 unemployment benefits that you had received?</p> <p>5 A. No. I'm not sure exactly what</p> <p>6 you're talking about, but you can get into</p> <p>7 depth if you want to.</p> <p>8 Q. Nope. That's all I wanted to ask</p> <p>9 you about.</p> <p>10 Besides the PPP loan that we've</p> <p>11 talked about, you've also applied for</p> <p>12 unemployment?</p> <p>13 A. Yes.</p> <p>14 Q. Have you received it?</p> <p>15 A. Yes.</p> <p>16 Q. And you haven't produced any</p> <p>17 documents related to that even though it's</p> <p>18 responsive to the request for production; is</p> <p>19 that correct?</p> <p>20 A. I'm not a hundred percent sure,</p> <p>21 but -- yeah. I don't know if I produced</p> <p>22 anything with the PUA assistance that I</p> <p>23 received.</p> <p>24 Q. What records would you have of that?</p>
<p>Page 276</p> <p>1 fact he may be a witness in this civil case;</p> <p>2 is that correct?</p> <p>3 A. I may have said something about, you</p> <p>4 know, somebody reaching out to him. I never</p> <p>5 got into depth. I never tried to coerce him</p> <p>6 or anything of that nature, but I may have</p> <p>7 told him that, you know, they might call you</p> <p>8 as a witness.</p> <p>9 Q. Have you ever had discussions with</p> <p>10 Christopher Holder about sending very large</p> <p>11 sums of money to him, in the, you know</p> <p>12 \$15,000, \$16,000 range, as a result of any</p> <p>13 type of check that you have gotten from the</p> <p>14 government?</p> <p>15 A. No, not -- I'm not sure if I told</p> <p>16 him I was going to send him 15,000, 16,000 or</p> <p>17 anything of that nature, but Chris Holder is</p> <p>18 one of my friends that he visited me when I</p> <p>19 was in jail. If I got 15,000, 20,000, 30,000</p> <p>20 to send, I would send it to him. He's one of</p> <p>21 my friends that when I was incarcerated, he</p> <p>22 sent me money. He came to see me. He did</p> <p>23 things for me, so...</p> <p>24 Q. You don't have any idea of what I'm</p>	<p>Page 278</p> <p>1 A. I would have my log-in information</p> <p>2 that I would have to get from my wife and see</p> <p>3 if I can log in and --</p> <p>4 Q. What about your unemployment</p> <p>5 application?</p> <p>6 A. What do you mean?</p> <p>7 Q. Don't you have to fill out some type</p> <p>8 of form or application to obtain unemployment</p> <p>9 benefits?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have that?</p> <p>12 A. When you log into the portal or</p> <p>13 whatever, I'm a hundred percent sure that</p> <p>14 everything that you put down on there would be</p> <p>15 on there. Actually, Margaret from the</p> <p>16 Innocence Project, she would go on interviews</p> <p>17 with me, and I didn't know anything about the</p> <p>18 PUA assistance when I came home, and Margaret</p> <p>19 assisted me with the PUA assistance and she</p> <p>20 filled out -- she basically walked me through</p> <p>21 the application and helped me apply for the</p> <p>22 unemployment assistance.</p> <p>23 Before that, Margaret would go on</p> <p>24 interviews with me when I kept getting denied</p>

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<p>Page 279</p> <p>1 and things of that nature. She had came up</p> <p>2 with me applying for unemployment, because I</p> <p>3 was supposed to start a job somewhere and</p> <p>4 didn't get it.</p> <p>5 Q. So which exhibit did we mark as the</p> <p>6 request for production of documents? Do you</p> <p>7 have the -- which exhibit was it?</p> <p>8 A. I'm not sure which one you want.</p> <p>9 Q. Yeah. It's Exhibit-3. If you could</p> <p>10 take a look at that and turn to Page 10.</p> <p>11 A. Okay.</p> <p>12 Q. Do you see Request for Production</p> <p>13 No. 34 asks for "all documents that relate to</p> <p>14 or discuss any claims for workers'</p> <p>15 compensation, disability, and/or unemployment</p> <p>16 benefits filed by you or any person on your</p> <p>17 behalf. The time period for this request is</p> <p>18 from the date of your eighteenth birthday to</p> <p>19 the present"? And then also Request for</p> <p>20 Production No. 35, "all documents that reflect</p> <p>21 or discuss any income received by you during</p> <p>22 the time period of September 4, 2000 to the</p> <p>23 present."</p> <p>24 Did you understand documents relate</p>	<p>Page 281</p> <p>1 A. Me -- I got with Monique, and she</p> <p>2 had -- she tried to log into the portal. It's</p> <p>3 a way that you can bypass the password and the</p> <p>4 user name or whatever, and she tried to do it,</p> <p>5 but the question, the security question, is</p> <p>6 that she said they was asking, she kept</p> <p>7 getting them wrong, and for whatever reason,</p> <p>8 she wasn't able to get into the portal. So I</p> <p>9 gave up there. I tried.</p> <p>10 Q. But you didn't contact anyone on the</p> <p>11 website, there was no contact information for</p> <p>12 anyone to call if you were having issues?</p> <p>13 A. I told you before that I relied</p> <p>14 mainly on my wife. She really know what she</p> <p>15 doing, so if Monique can't do it, it can't be</p> <p>16 done.</p> <p>17 Q. Well, you understand the request for</p> <p>18 production served on you and not on your wife;</p> <p>19 is that correct?</p> <p>20 A. Yeah, but you asked me what means</p> <p>21 did I take to find these things.</p> <p>22 Unfortunately -- I don't mean to keep saying</p> <p>23 this, but I spent most of my life in jail.</p> <p>24 I'm really not savvy with a lot of that stuff,</p>
<p>Page 280</p> <p>1 to unemployment benefits to be encompassed</p> <p>2 within those requests?</p> <p>3 A. Yeah, I understood that.</p> <p>4 Q. What searches did you -- what</p> <p>5 efforts did you undertake to obtain documents</p> <p>6 and produce them?</p> <p>7 A. I tried to log into the portal, but</p> <p>8 I don't have the log-in information. The</p> <p>9 log-in information I don't have no more. I</p> <p>10 don't know what I did with it.</p> <p>11 Q. You still receive the unemployment</p> <p>12 benefits?</p> <p>13 A. To this day? No. I stopped</p> <p>14 receiving unemployment in about maybe --</p> <p>15 probably like September of 2020.</p> <p>16 Q. Would your bank statements reflect</p> <p>17 the unemployment benefits that you received?</p> <p>18 Is it deposited directly into your bank?</p> <p>19 A. No. It was like a ReliaCard that</p> <p>20 the money was going on. They had their own</p> <p>21 like type of bank that was set up with that.</p> <p>22 Q. Did you take any steps to contact</p> <p>23 the website operator to see if anything could</p> <p>24 be done about obtaining those documents?</p>	<p>Page 282</p> <p>1 and when I go to look for things, my wife</p> <p>2 assists me and, you know, if she can't do it,</p> <p>3 then I'm like at a dead end.</p> <p>4 Q. I want to play a telephone call to</p> <p>5 you that I'm going to mark as --</p> <p>6 MS. ROSENTHAL: What exhibit</p> <p>7 are we at?</p> <p>8 COURT REPORTER: 16.</p> <p>9 BY MS. ROSENTHAL:</p> <p>10 Q. -- as Exhibit-16. It's a telephone</p> <p>11 call that Mr. Holder made using Department of</p> <p>12 Corrections cell phone system on December 9,</p> <p>13 2021 to the number 267-456-8719 at 14:08:45,</p> <p>14 and it covers the time period -- the minute</p> <p>15 14:49 to 15:47.</p> <p>16 (Audio being played.)</p> <p>17 Something is wrong with the Holder</p> <p>18 calls. I don't know why we're not able to</p> <p>19 play them.</p> <p>20 Do you remember having a call with</p> <p>21 Mr. Holder where Mr. Holder asked for money</p> <p>22 and you say that you would have Rakiya text</p> <p>23 him and will get the cash to Rakiya? Do you</p> <p>24 recall that?</p>

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<p style="text-align: right;">Page 283</p> <p>1 A. I don't recall that, but I could</p> <p>2 have said that, but -- yeah. I may have said</p> <p>3 that I was going to send some cash to Rakiya.</p> <p>4 Rakiya is like his girlfriend, and a lot of</p> <p>5 times he want me to send the money to Rakiya.</p> <p>6 Q. And that call was on 12/9/21.</p> <p>7 Assuming that was the conversation that day, I</p> <p>8 don't believe we received any text messages in</p> <p>9 response to our request for production about</p> <p>10 payments made to or from Christopher Holder</p> <p>11 directly or indirectly. Was that a text</p> <p>12 message that you retained?</p> <p>13 MR. VAN NAARDEN: Objection.</p> <p>14 THE WITNESS: Excuse me?</p> <p>15 BY MS. ROSENTHAL:</p> <p>16 Q. Do you have -- would you have a text</p> <p>17 message that -- if you had texted -- if Rakiya</p> <p>18 texted you or you texted Rakiya about this,</p> <p>19 about giving cash to Christopher Holder after</p> <p>20 the lawsuit -- this lawsuit was filed, is that</p> <p>21 a text message that you would have preserved?</p> <p>22 A. I spoke with you before about my</p> <p>23 situation with my phones. So if I had it in</p> <p>24 the phone, whatever phone I had at that time,</p>	<p style="text-align: right;">Page 285</p> <p>1 in your possession?</p> <p>2 A. You asked me earlier. I'm sorry. I</p> <p>3 only have one phone in my possession, the</p> <p>4 phone that I have currently. Any other phone</p> <p>5 that was broken or lost, I don't have. I</p> <p>6 didn't see the use of keeping a broke phone.</p> <p>7 Q. Okay. Has Monique ever met with</p> <p>8 Mr. Paladino in prison?</p> <p>9 A. Not that I know of.</p> <p>10 Q. You have no knowledge of her having</p> <p>11 visited Mr. Paladino on December 31st, 2017</p> <p>12 with your son?</p> <p>13 A. Fuck, no.</p> <p>14 MR. VAN NAARDEN: Hey, watch</p> <p>15 it.</p> <p>16 THE WITNESS: Excuse me. I'm</p> <p>17 sorry.</p> <p>18 BY MS. ROSENTHAL:</p> <p>19 Q. Okay. I want to play -- mark as</p> <p>20 Exhibit -- we're up to --</p> <p>21 MS. ROSENTHAL: Which exhibit</p> <p>22 are we up to?</p> <p>23 COURT REPORTER: 17.</p> <p>24 MS. ROSENTHAL: 17. I'm going</p>
<p style="text-align: right;">Page 284</p> <p>1 it would have been in there. But a lot of</p> <p>2 times, to be honest with you, he has called</p> <p>3 me, asked me for money and I bullshitted and</p> <p>4 didn't send him money. So I don't know if</p> <p>5 it's one of them times that, you know, I</p> <p>6 bullshitted him and didn't send him money.</p> <p>7 Q. My question was about text messages</p> <p>8 asking about sending cash.</p> <p>9 A. If I had any text messages from</p> <p>10 Rakiya pertaining to Mr. Holder, I would have</p> <p>11 gave it to you, but that -- like you said,</p> <p>12 that was, what, December of -- what was the</p> <p>13 date on there?</p> <p>14 Q. 2021.</p> <p>15 A. December 2021. What's today?</p> <p>16 Q. It's July 2022.</p> <p>17 A. It's July 2022. Unfortunately, I've</p> <p>18 had five phones in between that time, and I</p> <p>19 don't think I'll be able to produce anything</p> <p>20 from a phone five phones ago that I don't</p> <p>21 have. And a lot of my phones is prepaid. I</p> <p>22 lose them, break them. But any -- I searched</p> <p>23 high and low to try to get --</p> <p>24 Q. Do you have any of the broken phones</p>	<p style="text-align: right;">Page 286</p> <p>1 to keep -- I'm going to keep a list to</p> <p>2 try to be better.</p> <p>3 It's a call from Robert Outlaw</p> <p>4 to 215-669-9861 on December 30, 2017 at</p> <p>5 18:34:24. He would have been</p> <p>6 incarcerated in the Pennsylvania</p> <p>7 Department of Corrections. Then the clip</p> <p>8 is from minute 1:57 to 3:11.</p> <p>9 (Audio being played.)</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. I don't know what's going on with</p> <p>12 the audio when it's the other person talking,</p> <p>13 but I don't think that that -- I'm not going</p> <p>14 to ask you questions about that part.</p> <p>15 Do you recognize your voice on the</p> <p>16 call?</p> <p>17 A. Yeah, I recognize my voice on the</p> <p>18 call.</p> <p>19 Q. You were the one who was primarily</p> <p>20 doing the speaking in the louder voice?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know who you were talking to?</p> <p>23 A. Yes. I was talking to my sister.</p> <p>24 Q. Do you remember that conversation?</p>

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<p>Page 287</p> <p>1 A. Not really, but vaguely.</p> <p>2 Q. Okay. And I'm just going to ask you</p> <p>3 first just to confirm just statements, not to</p> <p>4 actually explain but just to confirm</p> <p>5 statements you made on the call.</p> <p>6 Do you say that Nikki is a fucking</p> <p>7 weirdo?</p> <p>8 A. No. I don't believe I said Nikki.</p> <p>9 Can you play that back for me?</p> <p>10 (Audio being played.)</p> <p>11 Q. I stand corrected, having listened</p> <p>12 to the call. You say she is fucking weirdo.</p> <p>13 Do you understand -- or is that what you said?</p> <p>14 A. Yeah.</p> <p>15 Q. Do you understand you were referring</p> <p>16 to your wife, Monique?</p> <p>17 A. No. I don't believe I was, no.</p> <p>18 Q. You don't believe you were. Who do</p> <p>19 you believe you were referring to?</p> <p>20 A. I don't know. I would have to hear</p> <p>21 the whole conversation. Can you play the</p> <p>22 whole conversation?</p> <p>23 Q. Yes. We'll have to go off the</p> <p>24 record for me to find it. It will take --</p>	<p>Page 289</p> <p>1 Q. Okay. I've now played the full</p> <p>2 call. Did you hear -- first of all, was that</p> <p>3 a conversation of you talking to your sister</p> <p>4 Shanita?</p> <p>5 A. Yes. That was a conversation of me</p> <p>6 talking to Shanita.</p> <p>7 Q. And you called Nikki a fucking</p> <p>8 weirdo?</p> <p>9 A. Yeah. I may have, yeah.</p> <p>10 Q. And listening to the whole</p> <p>11 conversation, are you able to confirm that</p> <p>12 you're referring to Monique Solomon rather</p> <p>13 than Nicosia Capers?</p> <p>14 A. I may have been referring to</p> <p>15 Monique, yeah.</p> <p>16 Q. You may have been referring to</p> <p>17 Monique or you were referring to Monique?</p> <p>18 A. I mean, I vaguely remember the call,</p> <p>19 but from the nature of the conversation, I</p> <p>20 feel like I might have been referring to</p> <p>21 Monique.</p> <p>22 Q. Okay. Well, how sure are you? Do</p> <p>23 you need me to play another call to confirm</p> <p>24 that or are you sure?</p>
<p>Page 288</p> <p>1 A. Never mind.</p> <p>2 Q. But if you're not able to confirm</p> <p>3 that it's Monique, we may have no choice.</p> <p>4 A. There's another girl that I know.</p> <p>5 Her name is Nicosia. I call her Nikki too.</p> <p>6 Q. Did Nicosia visit on a weekly basis</p> <p>7 and sit for three hours?</p> <p>8 A. Yeah. Look at my visiting list.</p> <p>9 Q. That's for a different jail, but can</p> <p>10 you --</p> <p>11 A. You got my visiting list?</p> <p>12 Q. No. Can you just hold on. I may be</p> <p>13 able to get you the clip quicker. That</p> <p>14 visiting list is for when you were at the</p> <p>15 Philadelphia Department of Corrections.</p> <p>16 A. Right.</p> <p>17 MS. ROSENTHAL: All right.</p> <p>18 I'll mark this as, I guess -- I guess</p> <p>19 I'll have to mark it as a separate</p> <p>20 exhibit, 18, the entire call from</p> <p>21 12/30/2017 from Mr. Outlaw to</p> <p>22 215-669-9861.</p> <p>23 (Audio being played.)</p> <p>24 BY MS. ROSENTHAL:</p>	<p>Page 290</p> <p>1 A. No. I mean, I probably was talking</p> <p>2 about Monique.</p> <p>3 Q. Okay. And Shanita asked, did she do</p> <p>4 what she was supposed to do today, and you say</p> <p>5 no; is that correct?</p> <p>6 A. Yeah. That's what it said.</p> <p>7 Q. And you were referring to her</p> <p>8 visiting Paladino?</p> <p>9 A. No. I was referring to -- I don't</p> <p>10 know, but Monique is my secretary. Monique</p> <p>11 went to the DA Office for me before. Monique,</p> <p>12 she's done a lot. Like I had Monique giving</p> <p>13 out flyers, going to the District Attorney</p> <p>14 Office, going to copy files, going to see my</p> <p>15 lawyer, and if she ain't doing what I need her</p> <p>16 to do, I will get agitated.</p> <p>17 Q. Okay. Just to get everyone out here</p> <p>18 as soon as possible, if I just ask a short,</p> <p>19 direct question about whether you were</p> <p>20 referring to her visiting Paladino, if the</p> <p>21 answer is no, you can say no, but I don't need</p> <p>22 a more -- a greater elaboration.</p> <p>23 It's just a -- do you specifically</p> <p>24 recall what it was that she was supposed to</p>

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<p>Page 291</p> <p>1 do?</p> <p>2 A. No, but I just know it was something</p> <p>3 concerning my case probably, because I was</p> <p>4 upset. But specifically what I wanted her to</p> <p>5 do, I didn't get into depth exactly what I</p> <p>6 wanted her to do. It's probably a hundred</p> <p>7 more conversations like that.</p> <p>8 Q. And --</p> <p>9 A. So I always had a gripe with Monique</p> <p>10 about, you know, certain things concerning me</p> <p>11 helping prove my innocence.</p> <p>12 Q. And you say that she's supposed to</p> <p>13 do it tomorrow, not that day?</p> <p>14 A. That's what it sound like, yeah.</p> <p>15 Q. And I'll represent to you that the</p> <p>16 Paladino's visiting log from the Department of</p> <p>17 Corrections shows that there is a visit from</p> <p>18 Ms. Solomon-Outlaw and your son, and she also</p> <p>19 confirmed that during her deposition Friday.</p> <p>20 Do you have any reason to dispute</p> <p>21 that she visited Paladino on December 31st</p> <p>22 other than the fact that you testified you</p> <p>23 weren't aware of it?</p> <p>24 A. Yeah. I don't know nothing about</p>	<p>Page 293</p> <p>1 what you were saying?</p> <p>2 MR. VAN NAARDEN: Objection.</p> <p>3 THE WITNESS: I don't remember</p> <p>4 exactly what I'm saying. The only</p> <p>5 recollection of it is when you play it</p> <p>6 for me. So I only confirm it when I hear</p> <p>7 it, but --</p> <p>8 BY MS. ROSENTHAL:</p> <p>9 Q. Yeah. The problem is --</p> <p>10 A. -- you reading it to me, I can't</p> <p>11 confirm it in that manner. It sound like some</p> <p>12 things may have been missing out of there.</p> <p>13 Q. Okay. The problem is that --</p> <p>14 A. But --</p> <p>15 Q. -- it won't be in the transcript, so</p> <p>16 I'm just trying to get a description.</p> <p>17 A. But if I was sending Monique and my</p> <p>18 son somewhere, I would have said Monique and</p> <p>19 my son in the phone call.</p> <p>20 Q. Okay. Let me just phrase it in more</p> <p>21 general terms, and let me know if I'm</p> <p>22 paraphrasing it correctly.</p> <p>23 You're expressing frustration that</p> <p>24 she rides on a weekly basis, it takes her</p>
<p>Page 292</p> <p>1 the visit. I don't know nothing about my son</p> <p>2 going up there. I can't confirm that. But</p> <p>3 Monique, she was supposed to do a lot of</p> <p>4 things for me and specifically concerning my</p> <p>5 case. She could have detoured and went there.</p> <p>6 I don't know.</p> <p>7 Q. So it's just a coincidence that</p> <p>8 you're saying that she's supposed to do</p> <p>9 something for you that next day and she goes</p> <p>10 to visit Paladino the next day?</p> <p>11 A. Yeah. Monique always did stuff</p> <p>12 concerning my case. I told you, all the</p> <p>13 affidavits went through Monique.</p> <p>14 Q. Yeah. And so on the call you say,</p> <p>15 listen, listen, this is everything, she wants</p> <p>16 to ride up here every week, two hours here,</p> <p>17 two hours back on a weekly basis and sit here</p> <p>18 for three hours, but if I'm asking you to do</p> <p>19 something to help me get out of here and you</p> <p>20 don't want to do it, that sounds weird to me,</p> <p>21 especially if it's something that's going to</p> <p>22 get me the fuck out of here.</p> <p>23 I'm not sure that's a verbatim</p> <p>24 transcript, but does that generally paraphrase</p>	<p>Page 294</p> <p>1 multiple hours to get there, she spends</p> <p>2 multiple hours there, but you were asking her</p> <p>3 to do something to help you get out of jail</p> <p>4 and she doesn't want to do it, and you were</p> <p>5 upset because it was something that was going</p> <p>6 to get you out of jail?</p> <p>7 MR. VAN NAARDEN: Objection.</p> <p>8 THE WITNESS: No. I don't know</p> <p>9 exactly what it was. Any mission I had</p> <p>10 Monique on was to fight for my freedom.</p> <p>11 So when I sent her to the DA Office, it</p> <p>12 was to see if she could get the file that</p> <p>13 possibly I could find something in there</p> <p>14 that can help me be released from prison.</p> <p>15 BY MS. ROSENTHAL:</p> <p>16 Q. Okay.</p> <p>17 A. When I told her to hand out flyers,</p> <p>18 it was for my fight for my freedom to possibly</p> <p>19 help me get out of jail. When I told her to</p> <p>20 do anything, go to my lawyer office, go take</p> <p>21 Ed the file or do anything, it was all about</p> <p>22 me being released from prison.</p> <p>23 Q. And you --</p> <p>24 A. So I can't pinpoint exactly what I</p>

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<p style="text-align: right;">Page 295</p> <p>1 was talking about on that phone conversation.</p> <p>2 Q. Okay.</p> <p>3 A. But I didn't say specifically go see</p> <p>4 anybody and take my son, you and my son go see</p> <p>5 somebody.</p> <p>6 Q. Okay. And you say don't come --</p> <p>7 that Monique shouldn't come to see you until</p> <p>8 she does what you need her to do; is that</p> <p>9 right?</p> <p>10 A. You have to play it back for me</p> <p>11 again.</p> <p>12 (Audio being played.)</p> <p>13 Q. I'm going to move towards the end of</p> <p>14 the call since that's what you wanted to ask.</p> <p>15 (Audio being played.)</p> <p>16 So does that refresh your</p> <p>17 recollection that you said, bitch, don't come</p> <p>18 see me until you do what you're supposed to</p> <p>19 do?</p> <p>20 A. I was speaking to my sister in</p> <p>21 frustration about my wife. I didn't tell, you</p> <p>22 know -- I was just speaking with my sister</p> <p>23 about what I was going through and, you know,</p> <p>24 I was frustrated about, you know, my struggle</p>	<p style="text-align: right;">Page 297</p> <p>1 it again, and you should certainly feel free</p> <p>2 to read it over, but my only question right</p> <p>3 now is whether this is an e-mail string</p> <p>4 between Ed Foster and Monique in January 2018</p> <p>5 about your case for purposes of describing the</p> <p>6 document for the record?</p> <p>7 A. What you saying right here? I mean,</p> <p>8 I never seen this e-mail before, but from the</p> <p>9 looks of it, at the top of it it say from</p> <p>10 Edward Foster to Monique, and that's Monique's</p> <p>11 e-mail.</p> <p>12 Q. Okay.</p> <p>13 A. But I never seen this before.</p> <p>14 Q. Okay. I want to direct your</p> <p>15 attention to the page that's Bates marked</p> <p>16 CITY020311 at the bottom. It's the page where</p> <p>17 it looks like a letter is written with your</p> <p>18 letterhead at the top.</p> <p>19 Do you see what I'm talking about?</p> <p>20 It looks like it's a letter that's typed up</p> <p>21 from you inserted into the e-mail on</p> <p>22 January 9, 2018?</p> <p>23 A. I told you before I never seen this.</p> <p>24 Q. Okay. I'm just asking if you see</p>
<p style="text-align: right;">Page 296</p> <p>1 to get out of jail. But as far as exactly</p> <p>2 what I wanted Monique to do, I ain't tell her</p> <p>3 to go see nobody in that phone call.</p> <p>4 Q. Okay. That wasn't my question.</p> <p>5 I want to show you a document that</p> <p>6 I'm going to mark as Exhibit-18.</p> <p>7 COURT REPORTER: 19.</p> <p>8 MS. ROSENTHAL: 19.</p> <p>9 - - -</p> <p>10 (Exhibit Outlaw-19 marked for</p> <p>11 identification by counsel.)</p> <p>12 - - -</p> <p>13 BY MS. ROSENTHAL:</p> <p>14 Q. It's a four-page document Bates</p> <p>15 marked CITY020310 to CITY020313.</p> <p>16 Would you agree with me that this is</p> <p>17 an e-mail string between Edward Foster and</p> <p>18 Monique concerning your case?</p> <p>19 A. I have to read it first before I</p> <p>20 agree with anything.</p> <p>21 Q. Sure. Go ahead.</p> <p>22 A. Give me a minute.</p> <p>23 (Pause.)</p> <p>24 Q. So I'll give you a chance to look at</p>	<p style="text-align: right;">Page 298</p> <p>1 the part of the page that I'm talking about.</p> <p>2 A. Yeah. I see exactly what you're</p> <p>3 talking about.</p> <p>4 Q. Okay. And so are you -- based on</p> <p>5 what you just said, is it your testimony that</p> <p>6 this appears to be a letter from you, but you</p> <p>7 don't believe that you were the one who</p> <p>8 authored the letter?</p> <p>9 A. No. My testimony is that I never</p> <p>10 seen this before, and this -- I didn't e-mail</p> <p>11 this to Ed.</p> <p>12 Q. Okay. Disregarding the remainder of</p> <p>13 the e-mail, the follow-up, do you see the part</p> <p>14 of the e-mail that begins on Page CITY020311</p> <p>15 and it looks like it's an e-mail that Monique</p> <p>16 wrote that includes a letter and it ends</p> <p>17 "sincerely, Robert Outlaw" on CITY020312?</p> <p>18 Have you seen the substance of that letter</p> <p>19 before and did you author it?</p> <p>20 A. Monique wrote this. I cannot</p> <p>21 confirm or deny anything that Monique wrote.</p> <p>22 You would have to ask Monique about her</p> <p>23 correspondence with Ed.</p> <p>24 Q. I'm not -- my question is whether</p>

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<p style="text-align: right;">Page 299</p> <p>1 you wrote this to give to Monique to pass</p> <p>2 along to Ed?</p> <p>3 A. I don't remember seeing this before.</p> <p>4 Q. Okay.</p> <p>5 A. I don't remember.</p> <p>6 Q. Does it read like your writing?</p> <p>7 A. I don't know. I didn't send this to</p> <p>8 Ed. Monique sent this, so you would have to</p> <p>9 ask her. But like I told you before, I sent</p> <p>10 Monique a lot of stuff pertaining to my case,</p> <p>11 so -- but you're asking me to confirm if this</p> <p>12 is me. I didn't send this to nobody to</p> <p>13 confirm if this is me or not. I don't</p> <p>14 remember this.</p> <p>15 Q. Well, you didn't --</p> <p>16 A. I didn't send it to Ed, so --</p> <p>17 Q. You didn't --</p> <p>18 A. -- I can't confirm it.</p> <p>19 Q. You didn't have access to secure</p> <p>20 e-mail in prison, right?</p> <p>21 A. No.</p> <p>22 Q. So you couldn't have sent this</p> <p>23 directly?</p> <p>24 A. Right.</p>	<p style="text-align: right;">Page 301</p> <p>1 Q. I'm just asking if you see that</p> <p>2 line. I'm just directing your attention so I</p> <p>3 can ask follow-up questions --</p> <p>4 A. I apologize.</p> <p>5 Q. -- about it.</p> <p>6 A. Yes, I see it.</p> <p>7 Q. Okay.</p> <p>8 A. I'm sorry.</p> <p>9 Q. And do you understand "her presence"</p> <p>10 to being Katima Jackson?</p> <p>11 A. I'm not sure.</p> <p>12 Q. The letter -- and the reason -- just</p> <p>13 so you know, the reason I'm asking these</p> <p>14 introductory questions is because the</p> <p>15 transcript, it will be easier to follow if</p> <p>16 they understand what we're talking about.</p> <p>17 The first paragraph, do you agree it</p> <p>18 reads, "I would like for you to contact</p> <p>19 Paladino and see if you can verify Ms.</p> <p>20 Jackson's presence. Paladino was the</p> <p>21 Commonwealth star witness and if he can</p> <p>22 support Ms. Jackson's testimony I believe that</p> <p>23 he would be very beneficial. From my</p> <p>24 understanding Paladino can confirm her</p>
<p style="text-align: right;">Page 300</p> <p>1 Q. Okay. So it may be the case that</p> <p>2 you wrote or drafted the substance of it and</p> <p>3 asked Monique to send it over e-mail? That's</p> <p>4 what I'm trying to understand. Is this her</p> <p>5 writing or yours?</p> <p>6 A. I'm telling you that --</p> <p>7 Q. You don't know?</p> <p>8 A. -- I'm not familiar with this.</p> <p>9 Q. Okay.</p> <p>10 A. And you would have to ask Monique in</p> <p>11 depth about this document that she sent to Ed.</p> <p>12 Q. Okay.</p> <p>13 A. I can't answer that question for</p> <p>14 you.</p> <p>15 Q. Do you see -- I understand that you</p> <p>16 don't recall this letter, but do you see that</p> <p>17 that letter that we're talking about, the</p> <p>18 first paragraph, the last sentence, it says,</p> <p>19 "From my understanding, Paladino can confirm</p> <p>20 her presence and I would like to subpoena him</p> <p>21 for my upcoming evidentiary hearing."</p> <p>22 Do you see that line?</p> <p>23 A. I see everything that you're talking</p> <p>24 about, but like I told you before --</p>	<p style="text-align: right;">Page 302</p> <p>1 presence and I would like to subpoena him for</p> <p>2 my upcoming hearing. Or you could write him</p> <p>3 and verify my theory first?"</p> <p>4 Does it make sense that "her</p> <p>5 presence" would refer to Ms. Jackson?</p> <p>6 A. I didn't write this, so I can't tell</p> <p>7 you what was meant by anything in here, so --</p> <p>8 Q. Okay.</p> <p>9 A. Because this is not from me, I can't</p> <p>10 tell you what the mindset of it was when it</p> <p>11 was sent to Ed.</p> <p>12 Q. Did you understand as of January 9,</p> <p>13 2018 that Paladino could confirm Katima</p> <p>14 Jackson's presence at the scene of the Jamal</p> <p>15 Kelly shooting?</p> <p>16 A. I don't know.</p> <p>17 Q. You can't remember or --</p> <p>18 A. I don't know.</p> <p>19 Q. Sorry. I don't understand that</p> <p>20 response.</p> <p>21 A. I'm saying I spent a lot of time in</p> <p>22 jail. You're asking me did I know that</p> <p>23 Paladino can confirm Katima Jackson on this</p> <p>24 date, and I'm telling you I don't know.</p>

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<p>Page 303</p> <p>1 Q. You can't recall?</p> <p>2 A. Yeah. I don't know.</p> <p>3 Q. And this was just a little over a</p> <p>4 week after the phone call that we listened to</p> <p>5 earlier and your wife and her son went to go</p> <p>6 visit Mr. Paladino. You have no knowledge of</p> <p>7 that visit or of whether they discussed</p> <p>8 whether Paladino could confirm Katima</p> <p>9 Jackson's presence at that visit?</p> <p>10 A. I was not on the visit with</p> <p>11 Paladino, my wife and you saying my son to</p> <p>12 tell you anything about that visit.</p> <p>13 Q. Do you see in the second paragraph</p> <p>14 it says, "Commonwealth witness Lamar Rodgers</p> <p>15 and Jabril Jones signed affidavits confirming</p> <p>16 her presence"?</p> <p>17 A. Like I said, I didn't write this,</p> <p>18 so --</p> <p>19 Q. I'm asking --</p> <p>20 A. -- I see what you saying, but...</p> <p>21 Q. Okay. Are you aware of any</p> <p>22 affidavit that Jabril Jones signed at any</p> <p>23 point in time confirming Katima Jackson's</p> <p>24 presence?</p>	<p>Page 305</p> <p>1 Q. Did he go talk to any witnesses?</p> <p>2 A. Not that I know of, no.</p> <p>3 Q. Okay. But you don't know who has</p> <p>4 possession of that affidavit, if anyone has</p> <p>5 possession of that affidavit at this time?</p> <p>6 A. I'm not sure. I'm not sure, and</p> <p>7 like honestly like -- I don't know. I'm not</p> <p>8 even sure. You're making me second guess the</p> <p>9 whole thing now, but...</p> <p>10 Q. You're sure that he wrote an</p> <p>11 affidavit or you're not sure?</p> <p>12 A. Yeah, I'm not sure once you said</p> <p>13 that, because everything I had, I disclosed to</p> <p>14 you. So if I got an affidavit from him, you</p> <p>15 got it.</p> <p>16 Q. Sorry. It's my understanding you</p> <p>17 didn't have anything, so there was nothing for</p> <p>18 you to disclose.</p> <p>19 A. Yeah. I'm saying you asked me about</p> <p>20 affidavit from Jabril Jones, and I said I</p> <p>21 think he might have signed one somewhere along</p> <p>22 the line, and you said do I remember the</p> <p>23 nature of it. I said I don't know. I think</p> <p>24 it may have been beneficial to me. But then</p>
<p>Page 304</p> <p>1 A. I'm aware that Jabril signed an</p> <p>2 affidavit at some point. The exact nature of</p> <p>3 what he signed, I don't remember. I just</p> <p>4 remember it was beneficial to me, but exactly</p> <p>5 what he said, I would have to see it to tell</p> <p>6 you.</p> <p>7 Q. I will tell you that I don't believe</p> <p>8 that any affidavit from Jabril Jones has been</p> <p>9 produced to us. Do you know when, around what</p> <p>10 time it was that he signed the affidavit?</p> <p>11 A. I'm not sure. I would have to</p> <p>12 check.</p> <p>13 Q. Check what?</p> <p>14 A. I would have to check with Monique.</p> <p>15 Q. Why would Monique know?</p> <p>16 A. Because Monique was my legs when I</p> <p>17 was in jail and --</p> <p>18 Q. Well, didn't Shanita Starr, for</p> <p>19 example, talk to some witnesses as well?</p> <p>20 A. No, not necessarily Shanita, but my</p> <p>21 sister Annette.</p> <p>22 Q. What about Kareem Jackson -- or</p> <p>23 Kareem Greenwood?</p> <p>24 A. What do you mean?</p>	<p>Page 306</p> <p>1 we went back and forth, but I'm telling you</p> <p>2 that if I had an affidavit from Jabril, I</p> <p>3 disclosed everything. Everything that I had,</p> <p>4 my lawyer had, and my lawyer disclosed</p> <p>5 everything that he had.</p> <p>6 Now, I will check with my wife,</p> <p>7 confer with her to see if Jabril gave an</p> <p>8 affidavit, where it's at and so forth and so</p> <p>9 on, and if it's around, then I'll give it to</p> <p>10 you.</p> <p>11 Q. So you're saying that every piece of</p> <p>12 paper that you received that in any way was</p> <p>13 related to your case was given to Ed Foster?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know if that was Monique's</p> <p>16 practice?</p> <p>17 A. I don't know what Monique practice</p> <p>18 were -- was exactly, but --</p> <p>19 Q. Okay.</p> <p>20 A. -- Monique is -- she's --</p> <p>21 Q. But you recall there being an</p> <p>22 affidavit from him?</p> <p>23 A. Vaguely. I know a lot of people --</p> <p>24 I had so many affidavits, so many papers on my</p>

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<p style="text-align: right;">Page 307</p> <p>1 case that I think Jabril did sign an 2 affidavit, if I'm not mistaken. 3 Q. So it's impossible to even really 4 confirm who signed affidavits? 5 A. No. I remember Christopher Holder, 6 he signed an affidavit. Wesley Harmon signed 7 an affidavit. Lamar Rodgers, I believe he 8 signed an affidavit. Derrick Alston may have. 9 Q. I mean, the full universe of people 10 who signed affidavits. 11 A. Yeah. 12 Q. You don't have a list? 13 A. That's who I remember firsthand. 14 Q. Okay. I want to ask you about Eric 15 Lee. When is the last time you spoke to Eric 16 Lee? 17 A. I don't have a line of communication 18 with Eric Lee. 19 Q. My question is, when is the last 20 time you've spoken to him? 21 A. I don't know. I really don't know. 22 Q. Give me your best guess. 23 A. I'm not sure. 24 Q. Before COVID?</p>	<p style="text-align: right;">Page 309</p> <p>1 would confirm her presence; is that correct? 2 MR. VAN NAARDEN: Objection. 3 THE WITNESS: No, that's not 4 correct. 5 BY MS. ROSENTHAL: 6 Q. You don't remember discussing that 7 on any phone calls? 8 A. I don't know. I might have said 9 that, but I don't know. 10 Q. So sitting here today, you don't 11 believe that the reason the first petition was 12 denied was because -- by the "first petition," 13 I mean the petition where you first raised 14 Katima Jackson -- you don't believe was denied 15 because there was no other witnesses who were 16 confirming her presence? 17 A. I believe that played a role and I 18 also believe that Judge Rogers wasn't the best 19 judge. 20 MS. ROSENTHAL: I want to mark 21 as Exhibit-18 -- 22 COURT REPORTER: 20. 23 MS. ROSENTHAL: -- 20 a call 24 that Robert -- or I keep saying Robert</p>
<p style="text-align: right;">Page 308</p> <p>1 A. I'm not sure. Since I've been home, 2 I ran into Eric Lee a couple times. 3 Q. Where? 4 A. In the streets of Philly. Eric Lee 5 lives in the Germantown area. 6 Q. Did you discuss anything related to 7 your conviction or this case? 8 A. No. We didn't have a conversation. 9 I seen him. He spoke to me, and I got far 10 away from Eric Lee as I could. 11 Q. During your post-conviction 12 proceedings, you wanted an affidavit from Eric 13 Lee as well to confirm that he saw Katima 14 Jackson; is that correct? 15 A. During my legal proceedings, I 16 wanted an affidavit from anybody involved in 17 the case that could help prove my innocence. 18 I wanted an affidavit from every witness to 19 tell the truth. 20 Q. And you thought that that was so 21 important because it was your belief that the 22 reason the PCRA petition with respect to 23 Katima Jackson was denied the first time was 24 because there weren't other witnesses who</p>	<p style="text-align: right;">Page 310</p> <p>1 Outlaw, because that's how you're 2 identified on the prison calls -- that 3 Donald Outlaw makes to 215-669-9861 at -- 4 one second. I'm sorry. 5 THE WITNESS: Is there any 6 question that's being imposed right now? 7 MS. ROSENTHAL: No. I'm 8 just looking -- 9 THE WITNESS: Can I take a 10 slight break real quick? 11 MS. ROSENTHAL: Yeah. 12 Can we go off the record. 13 VIDEO TECHNICIAN: We're now 14 going off record. The time now is 7:39 15 p.m. 16 - - - 17 (Short recess.) 18 - - - 19 VIDEO TECHNICIAN: We're now 20 back on record. The time is 7:44 p.m. 21 MS. ROSENTHAL: Right before we 22 went off the record, I was about to play 23 an audio clip that I was marking as 24 Exhibit-20, Outlaw Exhibit-20. It's a</p>

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<p style="text-align: right;">Page 311</p> <p>1 telephone call from Donald Outlaw on</p> <p>2 March 11, 2018 at 18:45:50 to the</p> <p>3 telephone number 215-669-9861. The clip</p> <p>4 starts at 6:51 and ends at 7:12.</p> <p>5 (Audio being played.)</p> <p>6 MS. ROSENTHAL: Sorry. Things</p> <p>7 are playing -- sorry. Something weird is</p> <p>8 going on.</p> <p>9 (Audio being played.)</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. Hold on one second.</p> <p>12 Again, the audio is not great, but</p> <p>13 do you know whose number you were calling,</p> <p>14 215-669-9861? Is that Shanita's number?</p> <p>15 A. That's my sister phone number.</p> <p>16 Q. And was it your voice on the phone?</p> <p>17 A. I couldn't tell. It was messing up.</p> <p>18 Q. You couldn't tell if it was your</p> <p>19 voice, the loud talking?</p> <p>20 I'll play it again for you. I</p> <p>21 understand that the other voice was quieter,</p> <p>22 but I have no idea what's going on with this</p> <p>23 audio.</p> <p>24 (Audio being played.)</p>	<p style="text-align: right;">Page 313</p> <p>1 A. I mean, yeah, depending on how much</p> <p>2 I owed him.</p> <p>3 Q. Well, isn't it the case in spring of</p> <p>4 2018 you were in the process of obtaining an</p> <p>5 affidavit from and did obtain an affidavit</p> <p>6 from virtually every witness verifying Katima</p> <p>7 Jackson's presence at the scene?</p> <p>8 A. I searched high and low to verify</p> <p>9 Katima Jackson's presence. I did everything I</p> <p>10 could.</p> <p>11 Q. So you weren't referring to</p> <p>12 finishing the lineup, meaning Eric Lee, you</p> <p>13 needed to finish the lineup of the witnesses?</p> <p>14 A. No. My sister baby father name is</p> <p>15 Eric Mundy, and we call him E.</p> <p>16 Q. Is it possible that you could have</p> <p>17 been referring to Eric Lee finishing the</p> <p>18 lineup?</p> <p>19 A. I seriously doubt it.</p> <p>20 Q. I'm going to play -- I'm going to</p> <p>21 mark as Exhibit-21 the full telephone -- well,</p> <p>22 actually it's -- it's too long. I'm going to</p> <p>23 play another clip from that same call starting</p> <p>24 at minute 13:17 until the end. Just bear with</p>
<p style="text-align: right;">Page 312</p> <p>1 Do you recognize your voice?</p> <p>2 A. Yes, I recognize my voice.</p> <p>3 Q. Okay. And am I correct that you say</p> <p>4 to Shanita, holla at E for me so I can finish</p> <p>5 the lineup with this situation?</p> <p>6 A. Yeah. That's what was said.</p> <p>7 Q. Sorry?</p> <p>8 A. Yeah. That's what was said.</p> <p>9 Q. Is that what you said?</p> <p>10 A. Yeah, I said that.</p> <p>11 Q. Do you recall this conversation?</p> <p>12 A. No, I don't recall the conversation.</p> <p>13 Q. Do you know if you're referring to</p> <p>14 Eric Lee when you said holla at E for me?</p> <p>15 A. No. I think I might have been</p> <p>16 referring to Eric Mundy. Eric Mundy paid for</p> <p>17 my attorney. He paid for Edward Foster.</p> <p>18 Q. So what did you mean then by, I can</p> <p>19 finish -- so we can finish the lineup with the</p> <p>20 situation?</p> <p>21 A. Probably paying for the rest of my</p> <p>22 attorney.</p> <p>23 Q. The rest of your attorney would be a</p> <p>24 lineup?</p>	<p style="text-align: right;">Page 314</p> <p>1 me while I tee it up.</p> <p>2 MR. VAN NAARDEN: Just note my</p> <p>3 objection to like cherry-picking aspects</p> <p>4 of these calls and then asking him to put</p> <p>5 it in context.</p> <p>6 MS. ROSENTHAL: Okay. I note</p> <p>7 your objection.</p> <p>8 I'll try one more time before</p> <p>9 moving on.</p> <p>10 Here, I'll just move on from</p> <p>11 that one.</p> <p>12 BY MS. ROSENTHAL:</p> <p>13 Q. And is it true that when -- that you</p> <p>14 did eventually get an affidavit from Eric Lee?</p> <p>15 A. I got an affidavit from a bunch of</p> <p>16 different people. I'm not exactly sure</p> <p>17 exactly. Like they all signed affidavits at</p> <p>18 some point, so...</p> <p>19 Q. My question is whether you know</p> <p>20 whether you ultimately got an affidavit from</p> <p>21 Eric Lee?</p> <p>22 A. I'm saying they all signed</p> <p>23 affidavits. So all the witnesses in the case</p> <p>24 had signed affidavits before and after the</p>

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<p>1 case.</p> <p>2 Q. What do you mean all witnesses</p> <p>3 signed affidavits before the case?</p> <p>4 A. Before I went to trial, I believe</p> <p>5 they all recanted, and after I got found</p> <p>6 guilty, they all recanted.</p> <p>7 Q. They all signed affidavits before</p> <p>8 you went to trial?</p> <p>9 A. I believe they did.</p> <p>10 Q. Those are affidavits they gave to</p> <p>11 your attorney?</p> <p>12 A. Either they went to my attorney or</p> <p>13 in some way, shape, form, or fashion they</p> <p>14 recanted before and after trial.</p> <p>15 Q. Okay. I'm asking if they recanted</p> <p>16 in writing before trial?</p> <p>17 A. I'm not sure what my lawyers</p> <p>18 recorded of the recantation, but before I went</p> <p>19 to trial, Lamar Rodgers went to Mark</p> <p>20 Greenberg's office and he disavowed his</p> <p>21 statement.</p> <p>22 Q. Okay.</p> <p>23 A. And he testified. Before that,</p> <p>24 Derrick Alston, he went to my lawyer office,</p>	<p>Page 315</p> <p>1 helping you with getting affidavits, talking</p> <p>2 to witnesses?</p> <p>3 A. I don't remember nothing like that,</p> <p>4 but...</p> <p>5 Q. Okay. I'm going to mark as</p> <p>6 Exhibit-22 a document Bates stamped CITY018726</p> <p>7 to CITY018732, and I'm only going to be asking</p> <p>8 very specific questions, not about the entire</p> <p>9 document.</p> <p>10 - - -</p> <p>11 (Exhibit Outlaw-22 marked for</p> <p>12 identification by counsel.)</p> <p>13 - - -</p> <p>14 BY MS. ROSENTHAL:</p> <p>15 Q. This is labeled as an Inmate Money</p> <p>16 Transfer Deposit History that pertains to you</p> <p>17 that the Department of Corrections produced to</p> <p>18 us covering the date range January 1st, 2008</p> <p>19 to June 15th, 2022.</p> <p>20 I want to ask you at the bottom of</p> <p>21 the -- well, I want to ask you about a couple</p> <p>22 of entries. Do you see an entry on the first</p> <p>23 page Bates marked CITY018726 from Floyd Odom?</p> <p>24 It's April 5th, 2011 -- or sorry; April 6th,</p>
<p>1 recanted --</p> <p>2 Q. I was asking about your statement</p> <p>3 that they all signed affidavits. Did you</p> <p>4 understand the affidavit is a written</p> <p>5 statement?</p> <p>6 A. Yeah. I'm just saying in some form</p> <p>7 of recantation, they did it before and after</p> <p>8 trial. It wasn't nothing new to me.</p> <p>9 Q. And do you know that -- or isn't it</p> <p>10 true that Wesley Harmon brought Eric Lee into</p> <p>11 Ed Foster's office to have the statement</p> <p>12 signed?</p> <p>13 A. I'm not sure. You would have to ask</p> <p>14 Eric Lee how he got there.</p> <p>15 Q. Would that be surprising to you if</p> <p>16 it was true?</p> <p>17 A. No, it wouldn't be surprising.</p> <p>18 Q. Why wouldn't it be surprising?</p> <p>19 A. Because they know each other.</p> <p>20 Q. Was Wesley Harmon helping you with</p> <p>21 talking to witnesses and getting affidavits?</p> <p>22 A. Wesley Harmon was in jail for a long</p> <p>23 time, so --</p> <p>24 Q. My question is whether he was</p>	<p>Page 316</p> <p>1 2011. Do you see that?</p> <p>2 A. You said April 6th?</p> <p>3 Q. Do you see the second column has the</p> <p>4 date?</p> <p>5 A. This is like in real small.</p> <p>6 Q. Yes. I apologize.</p> <p>7 It says April 6, 2011, Floyd Odom,</p> <p>8 255 Rosemar Street?</p> <p>9 A. Yeah. This is real small. Yeah, I</p> <p>10 see it.</p> <p>11 Q. My question is, who is Floyd Odom?</p> <p>12 A. I don't know.</p> <p>13 Q. You have no idea who Floyd Odom is?</p> <p>14 A. No.</p> <p>15 Q. No idea why he was putting money in</p> <p>16 your books?</p> <p>17 A. No, but I see that this is my</p> <p>18 sister's address.</p> <p>19 Q. Oh, she --</p> <p>20 A. So it could have been a friend of</p> <p>21 hers that sent it.</p> <p>22 Q. Which sister?</p> <p>23 A. Shanita.</p> <p>24 Q. Was living at 225 Rosemar Street at</p>
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<p>Page 319</p> <p>1 the time?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. Then four lines from the</p> <p>4 bottom, do you see there's an entry --</p> <p>5 A. Was it \$16 that was sent?</p> <p>6 Q. Yes. I believe that was \$16.</p> <p>7 Do you see four lines from the</p> <p>8 bottom there's an entry on June 18, 2011 from</p> <p>9 Dorian Clark at 947 East Chelten Avenue for</p> <p>10 \$300?</p> <p>11 A. Yeah, I see that.</p> <p>12 Q. Who is Dorian Clark?</p> <p>13 A. I don't know who that is either.</p> <p>14 Q. Do you recognize the address 947</p> <p>15 East Chelten Avenue?</p> <p>16 A. I'm not sure of that address, no.</p> <p>17 Q. Is that an address that -- do you</p> <p>18 know if that's an address that Monique or any</p> <p>19 of her family members have lived in at any</p> <p>20 time?</p> <p>21 A. I'm not sure. Since I met Monique,</p> <p>22 she stayed at 3708 Schuylkill Falls Lane and</p> <p>23 241 Cambridge Road.</p> <p>24 Q. What about her mother?</p>	<p>Page 321</p> <p>1 VIDEO TECHNICIAN: You got</p> <p>2 another 30.</p> <p>3 MS. ROSENTHAL: So 8:30 we'll</p> <p>4 be done.</p> <p>5 BY MS. ROSENTHAL:</p> <p>6 Q. You have no -- were you aware of</p> <p>7 someone who was placing money -- would you</p> <p>8 agree with me that Muneerah Outlaw's name</p> <p>9 appears many times in this document?</p> <p>10 A. Yeah, I agree with that.</p> <p>11 Q. Do you remember being aware that</p> <p>12 someone named Muneerah Outlaw was placing</p> <p>13 frequent deposits on your books?</p> <p>14 A. It was ten years ago. I don't</p> <p>15 remember, but I got a lot of relatives with</p> <p>16 the last name Outlaw.</p> <p>17 Q. Okay. So you don't remember</p> <p>18 anything one way or another?</p> <p>19 A. I mean, you asking me about some</p> <p>20 money that was sent ten years ago and sent to</p> <p>21 me by one of my relatives. Like I'm not sure.</p> <p>22 Q. Okay. If you look at Page</p> <p>23 CITY018732, the last page.</p> <p>24 A. See, the issue with this was like,</p>
<p>Page 320</p> <p>1 A. I don't know her mother's address.</p> <p>2 Q. And you don't know anyone by the</p> <p>3 name of Dorian Clark?</p> <p>4 A. Not offhand, no.</p> <p>5 Q. There's also a number of entries</p> <p>6 throughout this from someone named Muneerah</p> <p>7 Outlaw. Do you know who that is? Would that</p> <p>8 be Monique or someone else?</p> <p>9 A. Muneerah Outlaw?</p> <p>10 Q. If you look at the second page, for</p> <p>11 example, CITY018727.</p> <p>12 A. I'm not a hundred percent sure.</p> <p>13 Q. Is that how you spell Monique's</p> <p>14 Islamic name?</p> <p>15 A. No. Her Islamic name is</p> <p>16 M-U-N-I-R-A-H.</p> <p>17 Q. So the same pronunciation but</p> <p>18 different spelling?</p> <p>19 A. Yeah, pretty much.</p> <p>20 MR. VAN NAARDEN: Could we get</p> <p>21 a time check? I have over seven hours.</p> <p>22 VIDEO TECHNICIAN: Almost.</p> <p>23 MS. ROSENTHAL: How many</p> <p>24 minutes?</p>	<p>Page 322</p> <p>1 to be all the way honest with you, when people</p> <p>2 used to send money orders to me, a lot of</p> <p>3 times they would just put any name on the</p> <p>4 money order and I wouldn't know exactly who</p> <p>5 was who --</p> <p>6 Q. Right.</p> <p>7 A. -- sometimes when the money was</p> <p>8 getting sent. So if you asking me who this</p> <p>9 person was, who this person was, my sister</p> <p>10 Annette, sometimes she would put Muneerah on</p> <p>11 there.</p> <p>12 Q. Right. I understand that with the</p> <p>13 name, with the address. There's also some</p> <p>14 credit card information on here, but not that</p> <p>15 that would necessarily --</p> <p>16 A. Yeah, but, you know, I have a sister</p> <p>17 named Annette Outlaw that would send me money.</p> <p>18 I have another sister named Michelle Outlaw</p> <p>19 that would send me money, another sister named</p> <p>20 Jennifer and so forth and so on, and they will</p> <p>21 all send me money, and sometimes -- like, for</p> <p>22 example, on the first page, it say Floyd</p> <p>23 Mayweather. Floyd Mayweather ain't never sent</p> <p>24 me no money, but during the time of --</p>

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<p>Page 323</p> <p>1 Q. Do you know who that is?</p> <p>2 A. I don't know who that is. It say</p> <p>3 Floyd Mayweather.</p> <p>4 MR. VAN NAARDEN: He's a boxer.</p> <p>5 THE WITNESS: It's the boxer,</p> <p>6 but --</p> <p>7 BY MS. ROSENTHAL:</p> <p>8 Q. Okay.</p> <p>9 A. But if you asking me to identify</p> <p>10 this person, I can't. I don't know who it is.</p> <p>11 When they would send money orders, they</p> <p>12 would -- nobody would always put they real</p> <p>13 name on there, so...</p> <p>14 Q. Right.</p> <p>15 A. I can't tell you who sent it.</p> <p>16 Q. Have you sent money since leaving</p> <p>17 prison to other inmates using the same system,</p> <p>18 so you're familiar with it?</p> <p>19 A. No. See, the thing now is the</p> <p>20 system has evolved. You can't send an inmate</p> <p>21 a money order no more. So you have to send</p> <p>22 money through the JPay system.</p> <p>23 Q. Well, these say mobile online.</p> <p>24 A. Say what?</p>	<p>Page 325</p> <p>1 Q. If you could put that aside. We're</p> <p>2 done with that document.</p> <p>3 It's a document Bates marked</p> <p>4 CITY014376 to CITY014381. For the record,</p> <p>5 this is a Court of Common Pleas Complaint in</p> <p>6 the Court of Common Pleas of Delaware County</p> <p>7 that's captioned Donald Outlaw v -- I'm not</p> <p>8 sure how to pronounce the last name. The</p> <p>9 first name is R-A-C-H-E-A-L, last name</p> <p>10 E-M-U-Z-E.</p> <p>11 Are you familiar with this document,</p> <p>12 Mr. Outlaw?</p> <p>13 A. No, I'm not familiar with this</p> <p>14 document.</p> <p>15 Q. Would you agree that this appears to</p> <p>16 be a Complaint of a lawsuit that's brought on</p> <p>17 your behalf?</p> <p>18 A. Yes, I will agree with that.</p> <p>19 Q. Are you aware of such a lawsuit</p> <p>20 having been brought on your behalf?</p> <p>21 A. I would have to look at it and read</p> <p>22 it and tell you.</p> <p>23 Q. You wouldn't be --</p> <p>24 A. You show me a document and you just</p>
<p>Page 324</p> <p>1 Q. I'm not sure these are -- what makes</p> <p>2 you think these are money orders? Oh, one</p> <p>3 says a money order, but --</p> <p>4 A. Because it say -- a lot of these say</p> <p>5 money orders over here.</p> <p>6 Q. Oh, but some don't say money orders?</p> <p>7 A. Yeah. And it has changed since</p> <p>8 then. Since back then, anybody could send you</p> <p>9 a money order with any name, so --</p> <p>10 Q. Okay.</p> <p>11 A. -- I don't know.</p> <p>12 Q. That was my question about that.</p> <p>13 I want to show you another document</p> <p>14 that I'm going to mark as --</p> <p>15 MS. ROSENTHAL: Sorry. I'm</p> <p>16 hopeful. It's what exhibit?</p> <p>17 COURT REPORTER: 23.</p> <p>18 BY MS. ROSENTHAL:</p> <p>19 Q. -- Exhibit Outlaw-23.</p> <p>20 - - -</p> <p>21 (Exhibit Outlaw-23 marked for</p> <p>22 identification by counsel.)</p> <p>23 - - -</p> <p>24 BY MS. ROSENTHAL:</p>	<p>Page 326</p> <p>1 say this is a lawsuit on my behalf, am I aware</p> <p>2 of this, and I didn't read it and I'm telling</p> <p>3 you I didn't see it before. So if you want me</p> <p>4 to agree with this without reading it, I</p> <p>5 can't.</p> <p>6 Q. Are you aware that you have a</p> <p>7 personal injury lawsuit pending about a motor</p> <p>8 vehicle accident that you sustained?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any other civil lawsuits</p> <p>11 besides that lawsuit and this lawsuit that's</p> <p>12 pending?</p> <p>13 A. Not that I know of, no.</p> <p>14 Q. Okay. So feel free to take a look</p> <p>15 at this document, but you're saying that --</p> <p>16 well, have you read the Complaint in the</p> <p>17 personal injury lawsuit?</p> <p>18 A. Not legally. I let Monique handle</p> <p>19 this type of stuff.</p> <p>20 Q. Are you aware that you signed a</p> <p>21 verification attesting to the truth of</p> <p>22 everything in the Complaint that was filed in</p> <p>23 the docket with your signature?</p> <p>24 A. Yeah. I mean, I looked at it, I</p>

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<p>1 signed it, but, you know --</p> <p>2 MR. VAN NAARDEN: Do you</p> <p>3 have -- this one is signed by the</p> <p>4 attorney.</p> <p>5 MS. ROSENTHAL: I don't have</p> <p>6 the verification as an exhibit. My</p> <p>7 question is whether he's aware he signed</p> <p>8 a verification.</p> <p>9 MR. VAN NAARDEN: You made it</p> <p>10 sound like that he did. You represented</p> <p>11 to him that he did.</p> <p>12 MS. ROSENTHAL: He did.</p> <p>13 MR. VAN NAARDEN: You don't</p> <p>14 have it?</p> <p>15 MS. ROSENTHAL: I don't have</p> <p>16 it.</p> <p>17 THE WITNESS: I may have</p> <p>18 signed --</p> <p>19 MS. ROSENTHAL: It's been</p> <p>20 produced.</p> <p>21 THE WITNESS: I may have signed</p> <p>22 something, but, you know, I rely on my</p> <p>23 wife with a whole lot of things, so...</p> <p>24 BY MS. ROSENTHAL:</p>	<p>Page 327</p> <p>1 Q. And was it your testimony that --</p> <p>2 well, what is your -- I'm not sure what you</p> <p>3 were saying when you were saying you rely on</p> <p>4 Monique.</p> <p>5 A. I filed a lawsuit. I got into a</p> <p>6 motor vehicle accident. I collided with</p> <p>7 another car. I went to the hospital.</p> <p>8 Q. I'm not asking about the details of</p> <p>9 that. I'm just asking about whether you --</p> <p>10 given that you said you're not familiar with</p> <p>11 the document, whether you were aware that you</p> <p>12 signed a verification attesting to the truth</p> <p>13 of the facts within it, and I believe you said</p> <p>14 that you rely on Monique, and I was asking for</p> <p>15 clarification.</p> <p>16 A. This is Monique's job. Monique</p> <p>17 works for the Law Office of Robert Katz.</p> <p>18 Q. So are you trying to say that when</p> <p>19 you signed this, you're relying on her to say</p> <p>20 that everything is true; you don't</p> <p>21 independently read it and make a</p> <p>22 determination?</p> <p>23 A. I didn't independently read the</p> <p>24 whole exact thing, but Monique told me -- she</p>
<p>Page 328</p> <p>1 Q. Would it be your practice if -- hold</p> <p>2 on. I may have it. I may not.</p> <p>3 Oh, yeah. Why don't we mark this as</p> <p>4 24. It's a two-page document that is Bates</p> <p>5 labeled CITY014382 to CITY014383.</p> <p>6 - - -</p> <p>7 (Exhibit Outlaw-24 marked for</p> <p>8 identification by counsel.)</p> <p>9 - - -</p> <p>10 BY MS. ROSENTHAL:</p> <p>11 Q. It's another filing in the same</p> <p>12 lawsuit that is titled Praeipere to Attach</p> <p>13 Verification and then a verification that's</p> <p>14 attached that states, "I, Donald Outlaw, am a</p> <p>15 Plaintiff in the within action and state that</p> <p>16 the facts set forth in the foregoing Pleadings</p> <p>17 are true and correct to the best of my</p> <p>18 knowledge, information and belief, and that</p> <p>19 this statement is made subject to the</p> <p>20 penalties of 18 PA C.S.A. 4904 relating to</p> <p>21 unsworn falsification to authorities."</p> <p>22 Is that your signature on that page?</p> <p>23 A. Yeah. This is definitely my</p> <p>24 signature.</p>	<p>Page 330</p> <p>1 came to me, was like, here go the stuff, sign</p> <p>2 it real quick so I can get it back. I signed</p> <p>3 it and gave it back to her.</p> <p>4 Q. Well, I have a question. You've</p> <p>5 signed a verification for Interrogatory</p> <p>6 responses in this case attesting to the truth</p> <p>7 of the statements in the Interrogatory</p> <p>8 responses under the penalty of perjury. Did</p> <p>9 you read those yourself or did you rely on</p> <p>10 someone else in the same way?</p> <p>11 A. I read that myself.</p> <p>12 Q. Why would you read those yourself,</p> <p>13 but you'd rely on Monique for this?</p> <p>14 A. I always rely on Monique. This is</p> <p>15 her job. This is her profession. This what</p> <p>16 she do. I don't have more knowledge about</p> <p>17 this than Monique.</p> <p>18 Q. Well, she's not the one who was</p> <p>19 involved in the car accident, was she?</p> <p>20 A. No, but Monique is my wife and where</p> <p>21 I signed up at, she works there. She has my</p> <p>22 best interest at heart.</p> <p>23 Q. Well, you testified that Monique</p> <p>24 knows a lot about the underlying criminal case</p>

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<p style="text-align: right;">Page 331</p> <p>1 in this matter and she's the one who maintains</p> <p>2 all the documents, so --</p> <p>3 A. Yeah, she do.</p> <p>4 Q. You didn't take the same approach</p> <p>5 where you relied on her to agree that</p> <p>6 everything was accurate in the Interrogatory</p> <p>7 responses?</p> <p>8 A. Because I didn't want to put too</p> <p>9 much on Monique. I was already getting her to</p> <p>10 hunt down all the paperwork, so I figured the</p> <p>11 least I could do is read it and sign it.</p> <p>12 Q. Okay. But you didn't read this one,</p> <p>13 you just signed it?</p> <p>14 A. Let me see.</p> <p>15 Q. I think you have the two exhibits.</p> <p>16 A. What, this right here?</p> <p>17 Q. You have the verification and then</p> <p>18 you have the Complaint.</p> <p>19 A. Yeah. I glanced over it. I barely</p> <p>20 read it, and I signed it.</p> <p>21 Q. Is that your normal practice when</p> <p>22 you sign verifications like this?</p> <p>23 A. I don't really have a normal</p> <p>24 practice, but if this is my wife's job where</p>	<p style="text-align: right;">Page 333</p> <p>1 court filings, declarations in your Post</p> <p>2 Conviction Relief Act petition and appellate</p> <p>3 proceedings for the Jamal Kelly conviction.</p> <p>4 Were any of those verifications drafted by</p> <p>5 Monique?</p> <p>6 A. No, not that I know of. Monique --</p> <p>7 I was in jail. Monique was on the streets. A</p> <p>8 lot of stuff I filed from jail I either did</p> <p>9 myself or had the inmates at the law library</p> <p>10 help me out, people that was familiar with the</p> <p>11 law and things of that nature, but -- so</p> <p>12 everything I signed from jail I read myself.</p> <p>13 Q. Okay. I want to ask you --</p> <p>14 A. I signed it.</p> <p>15 Q. -- about the Complaint that we just</p> <p>16 marked as an exhibit. Do you see in Paragraph</p> <p>17 3 it says -- do you see in Paragraph 3 and 4,</p> <p>18 to paraphrase, there is allegations that you</p> <p>19 were involved in a motor vehicle accident</p> <p>20 November 18, 2020?</p> <p>21 A. Oh, yeah. That do make sense,</p> <p>22 because I was working at S.O.S. Restoration in</p> <p>23 2020 of September, and on the paper it said</p> <p>24 2019 of September and I told you I had stopped</p>
<p style="text-align: right;">Page 332</p> <p>1 my wife work and I trust Monique the way I</p> <p>2 trust Monique, of course if Monique say sign</p> <p>3 something, I'm going to sign it. I trust</p> <p>4 Monique with my life.</p> <p>5 Q. Don't you understand that what you</p> <p>6 were attesting to is the truth of the</p> <p>7 underlying facts of the motor vehicle accident</p> <p>8 and the damages you sustained and those are in</p> <p>9 your exclusive knowledge?</p> <p>10 A. No, I didn't --</p> <p>11 MR. VAN NAARDEN: Objection.</p> <p>12 THE WITNESS: -- understand</p> <p>13 that. I signed it because I trusted</p> <p>14 that, you know, this is my wife's job,</p> <p>15 that what was in here was correct.</p> <p>16 BY MS. ROSENTHAL:</p> <p>17 Q. You submitted a number of</p> <p>18 declarations in your underlying criminal and</p> <p>19 post-conviction case related to the Jamal</p> <p>20 Kelly murder. Were any of those declarations</p> <p>21 drafted by Monique?</p> <p>22 A. I'm not understanding what you</p> <p>23 saying.</p> <p>24 Q. Were any -- you attached a number of</p>	<p style="text-align: right;">Page 334</p> <p>1 because of the car accident. So I told you I</p> <p>2 was only working there for a little bit of</p> <p>3 time, and I think that this was a misprint of</p> <p>4 the 2020 -- I mean, the 2019.</p> <p>5 Q. Okay. My question is just whether</p> <p>6 it is accurate that you were involved in a</p> <p>7 motor vehicle accident that day.</p> <p>8 A. Oh, I'm sorry. I apologize. Yes,</p> <p>9 this is -- I believe this is accurate. On</p> <p>10 November 18th I was in an accident, yes.</p> <p>11 Q. Can you turn to Page 4 of the</p> <p>12 Complaint? It's Bates marked CITY014380.</p> <p>13 A. Yes.</p> <p>14 Q. Am I correct that that paragraph</p> <p>15 reads, "As a result of the negligence and</p> <p>16 carelessness of the defendant as aforesaid,</p> <p>17 the Plaintiff, Donald Outlaw, was caused to</p> <p>18 sustain serious and permanent personal</p> <p>19 injuries in, on and about her person</p> <p>20 including, but not limited to: C5-6</p> <p>21 herniation with tear, C3-C5 protrusions with</p> <p>22 tear, L4-L5 herniation, L3-L4 bulge with</p> <p>23 indentation, cervical sprain and strain,</p> <p>24 thoracic sprain and strain, lumbar sprain and</p>

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<p style="text-align: right;">Page 335</p> <p>1 strain, and possible injuries to the nerves, 2 muscles, ligaments, discs, bones, cartilage 3 and blood vessels thereof, possible 4 aggravation, activation, precipitation, 5 instigation, and aggravation of any 6 pre-existing asymptomatic conditions and other 7 severe injuries in, on and about her body, all 8 of which have caused her great pain, suffering 9 and inconvenience and have prevented her from 10 attending to her usual and customary 11 duties" -- 12 A. Hold up. Who is "her"? 13 Q. Let me finish reading. 14 -- "avocations and occupations, all 15 of which have caused him to sustain great 16 financial damage and a loss of earning and 17 earnings power, all of which may continue for 18 an indefinite time into the future and may be 19 permanent in nature and character." 20 Did I read that correctly? 21 A. Yeah, you read it correctly, and 22 there's clearly some typos in here, because 23 it's referring to two different genders with 24 the pronoun. It's one pronoun that's a her.</p>	<p style="text-align: right;">Page 337</p> <p>1 be prevented from attending to her usual daily 2 duties and occupations, thereby causing her 3 great inconvenience and a loss of" -- 4 A. Causing her? 5 Q. Yes. 6 -- "her great inconvenience and a 7 loss of earnings and earning capacity all to 8 his great loss and detriment." 9 There again appears to be an issue 10 with the pronouns, but would you agree with 11 the allegation? 12 A. I don't agree with it because it's 13 making a lot of mistakes. It was a lady that 14 I was in an accident with. I don't know if 15 it's referring to her or me. It keeps saying 16 her. So the pronouns is clearly off. So I 17 can't confirm that is right, because it's a 18 lot of typos, a lot of errors in here, so -- 19 Q. Okay. 20 A. -- I can't confirm that this is 21 right. 22 Q. Let me ask it this way: As a result 23 of the car accident, is it correct that you 24 have sustained a loss of earnings and earning</p>
<p style="text-align: right;">Page 336</p> <p>1 It's three pronouns that's her. 2 Q. I would agree. 3 A. And there's another pronoun that's a 4 male gender of him. 5 Q. It appears that -- 6 A. So it's clearly some type of mistake 7 in here. Then on the next paragraph, it's 8 another pronoun that's her and she. 9 Q. Maybe you should have read it 10 yourself before you signed that verification? 11 MR. VAN NAARDEN: Objection. 12 Don't answer that. 13 BY MS. ROSENTHAL: 14 Q. Okay. I agree with you, the 15 pronouns seem to be a typographical error. 16 Otherwise, is the allegation, correct? 17 A. I don't know. I really have to read 18 this after, you know, they made a lot of 19 mistakes in here. 20 Q. Okay. Why don't I turn to -- thanks 21 for that answer. I would turn to the last 22 page, CITY014381, Paragraph 14, "As a further 23 result of the negligence of the defendants 24 aforesaid, plaintiff was and may in the future</p>	<p style="text-align: right;">Page 338</p> <p>1 capacity to your great loss and detriment? 2 A. From the accident, I have back 3 injuries. 4 Q. And have you incurred wage losses 5 and a loss of earning power as a result? 6 A. Excuse me? 7 Q. Have you incurred wage losses and a 8 loss of earning power as a result? 9 A. I don't understand what you mean by 10 that. 11 Q. Well, I'm looking at -- 12 VIDEO TECHNICIAN: 20 minutes. 13 MS. ROSENTHAL: Yeah. It was 14 8:30. 15 MR. VAN NAARDEN: It's 8:17. 16 It's much less than that. You're not 17 doing the time right. I'm sorry to be 18 like a little bit critical, but like I'm 19 doing the time. We started at -- 20 MS. ROSENTHAL: All right. 21 I'll wrap up within five minutes. 22 MR. VAN NAARDEN: No. You 23 should use all the time that you have, 24 and I have you having another 12 minutes.</p>

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<p style="text-align: right;">Page 339</p> <p>1 MS. ROSENTHAL: I thought that</p> <p>2 we decided at 8:30 it would be over.</p> <p>3 MR. VAN NAARDEN: Right.</p> <p>4 MS. ROSENTHAL: Oh, okay.</p> <p>5 MR. VAN NAARDEN: That's what</p> <p>6 I'm saying.</p> <p>7 MS. ROSENTHAL: Oh, that's what</p> <p>8 he said --</p> <p>9 MR. VAN NAARDEN: No. He's</p> <p>10 saying you have 20 minutes left.</p> <p>11 VIDEO TECHNICIAN: I said 20.</p> <p>12 MS. ROSENTHAL: Anyways, it</p> <p>13 doesn't matter. Let's not use it up.</p> <p>14 BY MS. ROSENTHAL:</p> <p>15 Q. I'm referring to Paragraph 13. Do</p> <p>16 you see it says, "Plaintiff may have incurred</p> <p>17 wage losses and loss of earning power"?</p> <p>18 Have you sustained that as a result</p> <p>19 of the car accident?</p> <p>20 A. Yeah, somewhat. I lost my job</p> <p>21 because of the accident.</p> <p>22 Q. Does it still -- do the injuries</p> <p>23 cause you pain today?</p> <p>24 A. Yeah. I mean, I had to get up a few</p>	<p style="text-align: right;">Page 341</p> <p>1 That's what I'm telling you.</p> <p>2 Q. Okay.</p> <p>3 A. So --</p> <p>4 Q. Do you see that in Paragraph 11 it</p> <p>5 says that detriment and loss and loss of</p> <p>6 life's pleasures will continue for an</p> <p>7 indefinite time in the future and may be</p> <p>8 permanent in nature and character?</p> <p>9 Is that no longer accurate?</p> <p>10 A. I mean, I don't know. It depend on</p> <p>11 what the future may hold. I'm telling you now</p> <p>12 my back is feeling better, but, you know, I</p> <p>13 don't know. I'm not a doctor. I can't</p> <p>14 diagnose how things will be in the future.</p> <p>15 Again, I didn't put this together.</p> <p>16 Q. Well, do you believe you're entitled</p> <p>17 to compensation for injuries you're presently</p> <p>18 sustaining in relation to this lawsuit?</p> <p>19 A. I believe I'm entitled to have my</p> <p>20 car paid for that was destroyed, and basically</p> <p>21 that's that.</p> <p>22 Q. You don't believe you're entitled to</p> <p>23 the compensation for the loss of wages and</p> <p>24 earnings capacity that you're suing for?</p>
<p style="text-align: right;">Page 340</p> <p>1 times and stretch. I told my attorney that,</p> <p>2 you know, I have problems with my back, but</p> <p>3 overall, yeah.</p> <p>4 Q. Do you still have -- does it still</p> <p>5 interfere with your ability to work performing</p> <p>6 certain jobs?</p> <p>7 A. No. I'm starting to -- I work. I</p> <p>8 got a job now, so...</p> <p>9 Q. Where do you work?</p> <p>10 A. I believe I told you I work for</p> <p>11 PAAN, the Philadelphia Anti-Drug/Anti-Violence</p> <p>12 Network.</p> <p>13 Q. Wasn't that the case when this</p> <p>14 lawsuit was filed?</p> <p>15 A. I'm not sure -- yeah. I was working</p> <p>16 at both jobs, but my back, I'm all right.</p> <p>17 Q. Okay. So the allegations in this</p> <p>18 Complaint you're saying need to be amended</p> <p>19 because they're no longer correct?</p> <p>20 A. Well, what I'm saying is, I hurt my</p> <p>21 back because of this accident. I was out of</p> <p>22 work for a long stretch of time. I've been</p> <p>23 through therapy. I've been through</p> <p>24 rehabilitation, and my back is getting better.</p>	<p style="text-align: right;">Page 342</p> <p>1 A. As for what I'm entitled to, I left</p> <p>2 that up to my attorney. I don't know nothing</p> <p>3 about the legal aspect of this lawsuit, and I</p> <p>4 can't competently speak on, you know, anything</p> <p>5 concerning this lawsuit, because I didn't file</p> <p>6 it. My attorney filed it. And as you can</p> <p>7 see, I didn't write this stuff in this paper.</p> <p>8 They wrote it in there. So for me to make an</p> <p>9 intelligent decision on --</p> <p>10 Q. Okay.</p> <p>11 A. I can't do that. I'm sorry.</p> <p>12 Q. I'm going to show you one -- we only</p> <p>13 have ten minutes left. I'm going to show you</p> <p>14 one final document and then we will be done,</p> <p>15 if I can find it myself. Got a little</p> <p>16 discombobulated.</p> <p>17 MS. ROSENTHAL: I'm marking</p> <p>18 this as what exhibit number?</p> <p>19 COURT REPORTER: 25.</p> <p>20 - - -</p> <p>21 (Exhibit Outlaw-25 marked for</p> <p>22 identification by counsel.)</p> <p>23 - - -</p> <p>24 BY MS. ROSENTHAL:</p>

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<p style="text-align: right;">Page 343</p> <p>1 Q. Outlaw-25. It's a document Bates</p> <p>2 labeled PLAINTIFF15317 to 15322.</p> <p>3 Do you recognize this document?</p> <p>4 There's a redaction on it for material that</p> <p>5 your attorneys are claiming is privileged, but</p> <p>6 other than that, do you recognize this</p> <p>7 document?</p> <p>8 A. No.</p> <p>9 Q. You don't recognize the letter</p> <p>10 that's attached to the cover letter?</p> <p>11 A. I recognize this handwriting. This</p> <p>12 look like Paladino handwriting. I studied his</p> <p>13 handwriting for a long time, but as for a</p> <p>14 letter on January 2nd, no.</p> <p>15 Q. You studied his handwriting for a</p> <p>16 long time? Why is that?</p> <p>17 A. This was my life. I was serving a</p> <p>18 life sentence for a crime I didn't commit. I</p> <p>19 had letters that he had wrote, and I used to</p> <p>20 read his letters looking for inconsistencies.</p> <p>21 Q. In the handwriting?</p> <p>22 A. No. I'm just saying in general. I</p> <p>23 read the letters that he wrote to -- he had</p> <p>24 wrote me a letter before. I read the letter</p>	<p style="text-align: right;">Page 345</p> <p>1 main source of the letter. It was always a</p> <p>2 third party.</p> <p>3 Q. Okay.</p> <p>4 A. So when he sent the letter to</p> <p>5 somebody, and somebody sent it to me.</p> <p>6 Q. Well --</p> <p>7 A. Now --</p> <p>8 Q. -- could Nikki have sent you an</p> <p>9 original?</p> <p>10 A. Couldn't Nikki have sent me an</p> <p>11 original? What do you mean?</p> <p>12 Q. Yeah. Could she have sent you in</p> <p>13 the mail the original letter that she received</p> <p>14 from Paladino? Did she ever do that?</p> <p>15 A. I don't even know what you talking</p> <p>16 about. I never said Nikki sent me Paladino's</p> <p>17 letter.</p> <p>18 Q. Well, this is a letter that's</p> <p>19 addressed to Nikki.</p> <p>20 A. Okay.</p> <p>21 Q. How did you receive it?</p> <p>22 A. I didn't tell you I received this.</p> <p>23 Q. Okay. But --</p> <p>24 A. I'm telling you that over the years,</p>
<p style="text-align: right;">Page 344</p> <p>1 over 2,000 times. I would be up at night</p> <p>2 reading --</p> <p>3 Q. What did you do with the originals</p> <p>4 of those letters?</p> <p>5 A. I never had the original of the</p> <p>6 letter.</p> <p>7 Q. The letter that he sent you?</p> <p>8 A. Whatever letter that I got -- he</p> <p>9 didn't send it to me directly. He sent it to</p> <p>10 my sister, and my sister sent it to me.</p> <p>11 Q. A photocopy?</p> <p>12 A. Whatever I got, I overturned to my</p> <p>13 lawyer, whatever I had.</p> <p>14 Q. Okay.</p> <p>15 A. Whether it was original, copy. I</p> <p>16 can't remember exactly what it was, but</p> <p>17 whatever I had, as soon as I got it, I sent it</p> <p>18 to my lawyer.</p> <p>19 Q. That's not my question. Do you</p> <p>20 recall this letter --</p> <p>21 A. But, I mean --</p> <p>22 Q. We have a very short amount of time</p> <p>23 left, so can I just ask the question?</p> <p>24 A. I was incarcerated. I wasn't the</p>	<p style="text-align: right;">Page 346</p> <p>1 Paladino wrote me several letters, and I'm</p> <p>2 familiar with his handwriting. I never seen</p> <p>3 this letter. I don't remember this letter to</p> <p>4 say that I saw this. I'm saying I'm familiar</p> <p>5 with his handwriting because I studied my</p> <p>6 case. I used to read the different letters</p> <p>7 that he wrote me over and over again.</p> <p>8 Q. Do you recall the first page where</p> <p>9 you're attaching the letter indicating you</p> <p>10 received it? It was produced as a single</p> <p>11 document, so I assume that it was attached.</p> <p>12 A. No. I don't remember this,</p> <p>13 because --</p> <p>14 Q. You don't remember the cover letter</p> <p>15 and you don't remember the -- you don't</p> <p>16 remember ever seeing this --</p> <p>17 A. No.</p> <p>18 Q. -- letter?</p> <p>19 A. What I can say is, this is typed,</p> <p>20 but -- I don't know. This look like my</p> <p>21 handwriting on this page right here. It look</p> <p>22 like I signed it.</p> <p>23 Q. But you have no recollection of</p> <p>24 receiving the attached letter?</p>

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<p>Page 347</p> <p>1 A. Excuse me?</p> <p>2 Q. You have no recollection of</p> <p>3 receiving or seeing before this letter that</p> <p>4 reads "Dear Nikki" that starts PLAINTIFF15319?</p> <p>5 A. I'm not sure. I would have to read</p> <p>6 the letter. He wrote so many letters over the</p> <p>7 years. I've looked at letters that he sent to</p> <p>8 detectives. I looked at letters that he wrote</p> <p>9 me.</p> <p>10 Q. Okay. I would move to strike, other</p> <p>11 than that you don't remember, and then I think</p> <p>12 we'll end the deposition, because we're out of</p> <p>13 time.</p> <p>14 A. But I don't remember. I'm sorry.</p> <p>15 MS. ROSENTHAL: Okay. So we</p> <p>16 can --</p> <p>17 VIDEO TECHNICIAN: We're now</p> <p>18 going off --</p> <p>19 MR. VAN NAARDEN: No, no, no.</p> <p>20 Hold on a second. I get a chance to ask</p> <p>21 questions.</p> <p>22 MS. ROSENTHAL: That's true.</p> <p>23 MR. VAN NAARDEN: I just have a</p> <p>24 few just to follow up.</p>	<p>Page 349</p> <p>1 in contact with Detective Peterman, it</p> <p>2 was September 3rd, 4th of 2003. I got</p> <p>3 rearrested for the homicide. Detective</p> <p>4 Peterman and another detective came and</p> <p>5 got me from CFCF.</p> <p>6 (Lights went off.)</p> <p>7 MS. ROSENTHAL: Well, this is</p> <p>8 all outside the scope.</p> <p>9 MR. VAN NAARDEN: No. We're</p> <p>10 going to stay here. You're going to turn</p> <p>11 off the lights on us in the middle of my</p> <p>12 questioning?</p> <p>13 MS. ROSENTHAL: I didn't turn</p> <p>14 off the lights.</p> <p>15 MR. VAN NAARDEN: Jesus.</p> <p>16 VIDEO TECHNICIAN: Do you want</p> <p>17 to go off record?</p> <p>18 MR. VAN NAARDEN: No. Stay on</p> <p>19 the record. I want to figure out why it</p> <p>20 is that when I have a chance to ask</p> <p>21 questions, everything shuts down.</p> <p>22 MS. ROSENTHAL: I have a secret</p> <p>23 button? I don't think so.</p> <p>24 MR. VAN NAARDEN: I don't know,</p>
<p>Page 348</p> <p>1 BY MR. VAN NAARDEN:</p> <p>2 Q. You earlier in response to questions</p> <p>3 by counsel for the City talked about -- a</p> <p>4 little bit about Detective Peterman. Do you</p> <p>5 remember him?</p> <p>6 A. Yes.</p> <p>7 Q. Was he involved when you got</p> <p>8 arrested for the murder of Jamal Kelly?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember when you first</p> <p>11 interacted with him?</p> <p>12 MS. ROSENTHAL: Objection.</p> <p>13 Outside the scope of my direct</p> <p>14 examination.</p> <p>15 BY MR. VAN NAARDEN:</p> <p>16 Q. Answer my question. Go ahead.</p> <p>17 A. Yes, I remember when I first came in</p> <p>18 contact with Detective Peterman.</p> <p>19 Q. Tell us about that first interaction</p> <p>20 with Detective Peterman.</p> <p>21 MS. ROSENTHAL: Objection.</p> <p>22 Outside the scope. This is clearly</p> <p>23 improper.</p> <p>24 THE WITNESS: When I first came</p>	<p>Page 350</p> <p>1 Danielle. All I know is you didn't have</p> <p>2 any problems with your questions.</p> <p>3 Do you know why the lights are</p> <p>4 all off?</p> <p>5 UNIDENTIFIED SPEAKER: They go</p> <p>6 off at a certain hour.</p> <p>7 MR. VAN NAARDEN: Well, then</p> <p>8 we're going to do it -- there we go. Do</p> <p>9 you have a flash you can put on the</p> <p>10 camera --</p> <p>11 VIDEO TECHNICIAN: No.</p> <p>12 MR. VAN NAARDEN: -- so at</p> <p>13 least we get the witness?</p> <p>14 VIDEO TECHNICIAN: No.</p> <p>15 MR. VAN NAARDEN: All right.</p> <p>16 We'll do it by flashlight then.</p> <p>17 UNIDENTIFIED SPEAKER:</p> <p>18 Deposition?</p> <p>19 MR. VAN NAARDEN: Yeah.</p> <p>20 Unbelievable.</p> <p>21 UNIDENTIFIED SPEAKER: Who is</p> <p>22 the City attorney here?</p> <p>23 MR. VAN NAARDEN: Danielle</p> <p>24 Rosenthal.</p>

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<p>Page 351</p> <p>1 MS. ROSENTHAL: But, Josh, this</p> <p>2 is your client. This is --</p> <p>3 MR. VAN NAARDEN: Are you</p> <p>4 suggesting that you can ask my client</p> <p>5 questions for seven hours and I'm not</p> <p>6 allowed to clarify anything with my</p> <p>7 witness?</p> <p>8 MS. ROSENTHAL: Yes, you're</p> <p>9 allowed to clarify.</p> <p>10 MR. VAN NAARDEN: That's what</p> <p>11 I'm doing. If you have an objection that</p> <p>12 you believe it's outside of the scope,</p> <p>13 put it on the record, but I'm not going</p> <p>14 to let you ask my client questions for</p> <p>15 seven hours and not have the ability to</p> <p>16 ask him my own questions. It's just not</p> <p>17 going to happen.</p> <p>18 MS. ROSENTHAL: I'm just</p> <p>19 putting it on record again that --</p> <p>20 MR. VAN NAARDEN: Again, put it</p> <p>21 on the record and let's move on.</p> <p>22 MS. ROSENTHAL: -- Josh Van</p> <p>23 Naarden is raising his voice at me in</p> <p>24 a --</p>	<p>Page 353</p> <p>1 Q. Now we have to do this by</p> <p>2 flashlight.</p> <p>3 Can you hold this up?</p> <p>4 My question, could you continue with</p> <p>5 your testimony about your interactions with</p> <p>6 Detective Peterman when he arrested you?</p> <p>7 A. He came and got me from</p> <p>8 Curran-Fromhold Correctional Facility. It was</p> <p>9 him and another detective. They took me down</p> <p>10 to 8th and Race. When I got down to 8th and</p> <p>11 Race, they handcuffed me to a chair. They set</p> <p>12 me in there for hours and hours and hours and</p> <p>13 before Detective Peterman came in.</p> <p>14 When he came in, he started asking</p> <p>15 me several questions about the murder of Jamal</p> <p>16 Kelly. When I didn't respond the way he</p> <p>17 wanted me to and I told him that I didn't</p> <p>18 commit the murder, he grabbed -- he took my</p> <p>19 handcuffs off me and -- it was two handcuffs</p> <p>20 cuffing me to both arms of the chair. He took</p> <p>21 one off and he started hitting me, like not</p> <p>22 very, very hard, but he started like tapping</p> <p>23 me on my forehead and he was telling me that,</p> <p>24 you going to tell me something. You going to</p>
<p>Page 352</p> <p>1 MR. VAN NAARDEN: Well, you</p> <p>2 turned the lights off on us in the middle</p> <p>3 of a deposition.</p> <p>4 MS. ROSENTHAL: I turned the</p> <p>5 lights off on you?</p> <p>6 MR. VAN NAARDEN: This is not</p> <p>7 my office, Danielle. We're in the City's</p> <p>8 office conducting an official deposition,</p> <p>9 and all of the sudden when it's my turn</p> <p>10 to ask questions, everything goes dark.</p> <p>11 You want to talk about care, custody, and</p> <p>12 control? We're in a room that is your</p> <p>13 care, custody, and control. You wanted</p> <p>14 to do it here. All of the other</p> <p>15 depositions were agreed upon by the</p> <p>16 parties to be conducted in my office. As</p> <p>17 a courtesy to your office, I agreed to do</p> <p>18 it here. Never in my wildest dreams did</p> <p>19 I think we'd be treated this way. But</p> <p>20 we're going to keep going.</p> <p>21 MS. ROSENTHAL: I'm sorry.</p> <p>22 I've never been in the office at this</p> <p>23 hour where the lights have gone off.</p> <p>24 BY MR. VAN NAARDEN:</p>	<p>Page 354</p> <p>1 tell me something, or he was going to fuck me</p> <p>2 up in there. And, you know, at the time, you</p> <p>3 know, I'm young. I'm 19 years old. I didn't</p> <p>4 know nothing about the law, you know. I was</p> <p>5 petrified. I was scared to death like, you</p> <p>6 know.</p> <p>7 At that moment, I knew that it</p> <p>8 wasn't going to end well for me. I knew that</p> <p>9 this was very bad. And from there, another</p> <p>10 detective had left out and Detective Peterman</p> <p>11 came back in and he was saying stuff to me</p> <p>12 like, you had a gun. Jamal had a gun on him</p> <p>13 that night. If you didn't kill him, he was</p> <p>14 going to kill you. Just tell us what</p> <p>15 happened. Let us know and, you know, we'll</p> <p>16 let you go. And when that didn't work, he got</p> <p>17 upset with me and, you know, he started to</p> <p>18 punch on me. Like not hard, but he would just</p> <p>19 kick my shin, push me, rough me up, and he was</p> <p>20 like playing mental games with me, like it was</p> <p>21 like he had an alter ego. And, you know, at</p> <p>22 one point he was acting nice to me. Another</p> <p>23 point he was acting mean. He was trying to</p> <p>24 get me to confess to the murder. And, you</p>

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<p>Page 355</p> <p>1 know, I was scared. I was scared, you know,</p> <p>2 literally for my life. I knew at that moment,</p> <p>3 I felt it, that this wasn't going to end good</p> <p>4 for me.</p> <p>5 Q. When you got arrested for this case,</p> <p>6 were you already incarcerated?</p> <p>7 A. Yes.</p> <p>8 Q. Well, tell me, if you were already</p> <p>9 incarcerated, what damage did you suffer from</p> <p>10 the time that you were arrested on this murder</p> <p>11 if you were already in custody?</p> <p>12 MS. ROSENTHAL: Objection.</p> <p>13 Outside the scope of my questioning.</p> <p>14 BY MR. VAN NAARDEN:</p> <p>15 Q. Go ahead.</p> <p>16 A. Initially when I was arrested, it</p> <p>17 was for like a robbery charge, but when I got</p> <p>18 rearrested when Detective Peterman and the</p> <p>19 other detective came and got me, it was</p> <p>20 completely different. The stakes was</p> <p>21 completely higher. It's like going up for</p> <p>22 surgery and to get your finger -- a prick out</p> <p>23 your finger and end up getting open heart</p> <p>24 surgery with the comparison from my initial</p>	<p>Page 357</p> <p>1 Q. You eventually pled, I think, to</p> <p>2 aggravated assault related to that other</p> <p>3 matter?</p> <p>4 A. Yes. I mean, I got found guilty of</p> <p>5 murder. I got sentenced to life, plus 10 to</p> <p>6 20 years. Once I got sentenced to life, plus</p> <p>7 10 to 20 years, I felt as though like I had to</p> <p>8 focus my time and my energy on fighting this</p> <p>9 life sentence with 10 to 20 years behind it.</p> <p>10 I didn't feel like this other case was a</p> <p>11 priority, so I took a deal on that case</p> <p>12 because I got found guilty of life, and that's</p> <p>13 the only reason I took a deal on that case,</p> <p>14 because I had life.</p> <p>15 Q. Last question. You were asked</p> <p>16 questions about a call on -- it was</p> <p>17 December 30th of 2017 and you were asked --</p> <p>18 there was some language that you used</p> <p>19 referring to Monique about doing something.</p> <p>20 Do you remember those questions?</p> <p>21 A. Yes.</p> <p>22 Q. Let me ask you this: Throughout the</p> <p>23 course of your Post Conviction Relief Act, if</p> <p>24 you learned that there may be an individual</p>
<p>Page 356</p> <p>1 arrest to getting charged for the murder, to</p> <p>2 me realizing that it's a possibility that I'm</p> <p>3 going to get the death penalty.</p> <p>4 They charged me with first-degree</p> <p>5 murder, and it was a capital homicide, and</p> <p>6 initially they was saying that I could get the</p> <p>7 death penalty.</p> <p>8 Everything changed from that moment.</p> <p>9 Everything went downhill. They made me pack</p> <p>10 my stuff up and go to a higher custody jail.</p> <p>11 And, you know, the distress that I went under</p> <p>12 at that moment was unexplainable. I can't</p> <p>13 articulate what it's like to have the mindset</p> <p>14 that, you know, I might die in jail for a</p> <p>15 crime that I didn't commit, where I was</p> <p>16 initially locked up for a robbery, where I</p> <p>17 knew I was going home.</p> <p>18 It was completely different. It was</p> <p>19 completely stressful. It was one of the worst</p> <p>20 feelings that I ever dealt with in my life.</p> <p>21 Like I can't even articulate like how it made</p> <p>22 me feel. It really like -- to this day, it</p> <p>23 has a toll on me any time I think about it or</p> <p>24 when I think back to that moment.</p>	<p>Page 358</p> <p>1 that may have information that may be helpful,</p> <p>2 would you do everything in your power to get</p> <p>3 that information?</p> <p>4 A. Absolutely.</p> <p>5 MR. VAN NAARDEN: Thanks.</p> <p>6 MS. ROSENTHAL: Before we</p> <p>7 close, I just want to say that -- well,</p> <p>8 actually I had -- well, I have -- given</p> <p>9 Mr. Van Naarden's questioning, I just</p> <p>10 want to ask a couple of follow-ups.</p> <p>11 BY MS. ROSENTHAL:</p> <p>12 Q. As far as the physical abuse that</p> <p>13 you just testified to, was that before you</p> <p>14 were booked or after you were booked for this</p> <p>15 murder?</p> <p>16 A. Can you repeat the question? I'm</p> <p>17 sorry.</p> <p>18 Q. Yeah. Can you put your microphone</p> <p>19 on?</p> <p>20 A. Yes.</p> <p>21 Q. Mr. Van Naarden asked you about</p> <p>22 physical abuse that you suffered by</p> <p>23 Mr. Paladino?</p> <p>24 MR. VAN NAARDEN: No.</p>

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<p>Page 359</p> <p>1 MS. ROSENTHAL: Sorry.</p> <p>2 MR. VAN NAARDEN: Detective</p> <p>3 Peterman.</p> <p>4 MS. ROSENTHAL: Detective</p> <p>5 Peterman.</p> <p>6 BY MS. ROSENTHAL:</p> <p>7 Q. Sorry. Let me ask that in a better</p> <p>8 way.</p> <p>9 Do you remember testifying in</p> <p>10 response to Mr. Van Naarden's questions that</p> <p>11 you suffered physical abuse by Detective</p> <p>12 Peterman after being arrested for the Jamal</p> <p>13 Kelly murder?</p> <p>14 A. Yes.</p> <p>15 Q. Was that before or after you were</p> <p>16 booked?</p> <p>17 A. I don't understand what you saying.</p> <p>18 Q. Was that before or after your</p> <p>19 mugshot was taken and you were fingerprinted?</p> <p>20 A. I'm not understanding what you</p> <p>21 saying. I was arrested for attempted -- a</p> <p>22 robbery case.</p> <p>23 Q. Yes.</p> <p>24 A. While I was arrested for that</p>	<p>Page 361</p> <p>1 Q. -- it was before or after you were</p> <p>2 fingerprinted and your mugshot was taken.</p> <p>3 A. I can't even remember that. I don't</p> <p>4 know. Like that's not something that stands</p> <p>5 out to me. I don't remember that part of</p> <p>6 before or after.</p> <p>7 Q. Okay. That's fine.</p> <p>8 A. At what point he abused me like.</p> <p>9 Q. Did you have physical injuries?</p> <p>10 A. Yes.</p> <p>11 Q. On your face?</p> <p>12 A. I had like little bruises.</p> <p>13 Q. And you said there's another</p> <p>14 detective there?</p> <p>15 A. Another detective -- yeah. Another</p> <p>16 detective rolled in the car with us to 8th and</p> <p>17 Race.</p> <p>18 Q. Oh, it happened in the car?</p> <p>19 A. No. The actual abuse, it was me and</p> <p>20 Peterman in the room, me and him.</p> <p>21 Q. Was there another detective in the</p> <p>22 room?</p> <p>23 A. No. He's not stupid. He's not</p> <p>24 going to do nothing like that. It was just me</p>
<p>Page 360</p> <p>1 robbery case, a month later I got rearrested</p> <p>2 for --</p> <p>3 Q. Right.</p> <p>4 A. -- the murder. So you're saying</p> <p>5 when they rearrested me for the murder, before</p> <p>6 he fingerprinted me and mugshotted me for the</p> <p>7 murder?</p> <p>8 Q. Didn't they take you to be -- when</p> <p>9 you were arrested, even though you were</p> <p>10 already in custody, didn't they take you to be</p> <p>11 booked for the second murder? I thought you</p> <p>12 had testified that's when this abuse had</p> <p>13 occurred.</p> <p>14 A. Yeah. When they took me to be</p> <p>15 recharged down at 8th and Race for the murder</p> <p>16 case, that's when the incident between me and</p> <p>17 Peterman occurred, when he transported me from</p> <p>18 the Curran-Fromhold Correctional Facility to</p> <p>19 8th and Race. When I got down there, they</p> <p>20 stuck me in a room, didn't read me Miranda</p> <p>21 rights --</p> <p>22 Q. Okay. My question was just</p> <p>23 whether --</p> <p>24 A. Abused me.</p>	<p>Page 362</p> <p>1 and him when he did what he did to me.</p> <p>2 Q. He was the arresting officer?</p> <p>3 A. I'm not sure, but I know that he</p> <p>4 came and got me from 8th and Race.</p> <p>5 Q. Okay.</p> <p>6 A. What I do know is that I feel as</p> <p>7 though like, you know, my whole case went sour</p> <p>8 with Peterman.</p> <p>9 Q. No. My question --</p> <p>10 A. Everything went downhill with</p> <p>11 Detective Peterman. Everybody he questioned</p> <p>12 said I did something. Prior to that, nobody</p> <p>13 said I did anything.</p> <p>14 Q. My question was just whether any</p> <p>15 detective was present during that. I think</p> <p>16 you've answered it.</p> <p>17 How long did that last, that</p> <p>18 interaction with him in the room?</p> <p>19 A. It felt like a long time, but I</p> <p>20 can't time it. I don't know. I didn't have a</p> <p>21 stop watch to say how long he was harassing</p> <p>22 me.</p> <p>23 Q. Was it more than 24 hours?</p> <p>24 A. No, it wasn't more than 24 hours.</p>

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<p>Page 363</p> <p>1 The assault probably lasted -- I'm not sure.</p> <p>2 Maybe half an hour or whatever, but I was down</p> <p>3 8th and Race for at least a day.</p> <p>4 Q. And then was any kind of a medical</p> <p>5 checklist completed upon you being rebooked</p> <p>6 into the jail?</p> <p>7 A. They don't do that kind of stuff.</p> <p>8 Q. Okay. I don't know, so I'm sorry.</p> <p>9 A. You ever been arrested before?</p> <p>10 Q. No. Well, it's not my -- I believe</p> <p>11 that -- well, anyway, there was no medical</p> <p>12 checklist that was completed?</p> <p>13 A. No. They never do that. They going</p> <p>14 to cover up what they did. They not going to</p> <p>15 do that.</p> <p>16 Q. And did you report any of this to</p> <p>17 anyone at the time?</p> <p>18 A. Yes. When I got back to the jail, I</p> <p>19 informed my attorney.</p> <p>20 Q. Mark Greenwood?</p> <p>21 A. At the time -- whatever attorney I</p> <p>22 had at the time. I can't really remember.</p> <p>23 Q. Did you seek any medical treatment</p> <p>24 at the jail?</p>	<p>Page 365</p> <p>1 Q. So you filed a citizens complaint?</p> <p>2 A. I sent -- I wrote a letter to</p> <p>3 Internal Affairs letting them know what</p> <p>4 Peterman did to me.</p> <p>5 Q. And did you receive a response?</p> <p>6 A. No, not at all.</p> <p>7 MS. ROSENTHAL: Okay. Just</p> <p>8 finally, I just wanted to say that</p> <p>9 there's been documents that haven't been</p> <p>10 produced that are responsive. In</p> <p>11 particular, the unemployment documents</p> <p>12 we've been asking for for months and</p> <p>13 other documents reflecting income. And</p> <p>14 so we reserve the right to re-call the</p> <p>15 witness with respect to unproduced</p> <p>16 documents that have been pending for</p> <p>17 quite a long period of time, and that is</p> <p>18 it. We can close.</p> <p>19 MR. VAN NAARDEN: All right.</p> <p>20 Let's go.</p> <p>21 MS. ROSENTHAL: They need to</p> <p>22 put it on the record.</p> <p>23 VIDEO TECHNICIAN: This</p> <p>24 concludes the video deposition of Donald</p>
<p>Page 364</p> <p>1 A. No. I can't a hundred percent</p> <p>2 remember, but he didn't like beat me to a</p> <p>3 bloody pulp. He didn't break no bones on me</p> <p>4 or nothing like that.</p> <p>5 Q. Did you file a grievance?</p> <p>6 A. No, but I filed a complaint with</p> <p>7 Internal Affairs against Peterman.</p> <p>8 Q. You did? When was that?</p> <p>9 A. Sometime in 2004, I believe.</p> <p>10 Q. You filed a complaint with Internal</p> <p>11 Affairs against Peterman. Anyone else?</p> <p>12 A. No. It was against Detective</p> <p>13 Peterman.</p> <p>14 Q. In respect to this incident?</p> <p>15 A. Yes.</p> <p>16 Q. And what investigation came as a</p> <p>17 result of that; do you know? Was anyone</p> <p>18 interviewed?</p> <p>19 A. They didn't do any type of</p> <p>20 investigation. It's --</p> <p>21 Q. Do you know what the results of it</p> <p>22 was?</p> <p>23 A. Yeah. They brushed it under the</p> <p>24 rug.</p>	<p>Page 366</p> <p>1 Outlaw. We are now going off record at</p> <p>2 8:40 p.m.</p> <p>3 COURT REPORTER: Do you want a</p> <p>4 copy of the transcript, Mr. Van Naarden?</p> <p>5 MR. VAN NAARDEN: I do,</p> <p>6 expedited, if you could. I don't know</p> <p>7 what that means. It's already late in</p> <p>8 the day, but as quick as you can. Okay?</p> <p>9 COURT REPORTER: All right.</p> <p>10 - - -</p> <p>11 (Witness excused.)</p> <p>12 (Videotaped deposition</p> <p>13 concluded at 8:40 p.m.)</p> <p>14 - - -</p>

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

EXHIBIT D

(Excerpt of Call from Donald Outlaw on 09/03/2017 at 20:02:42 – start
to minute 4:30)

EXHIBIT E

(Excerpt of Call from Donald Outlaw on 06/21/18 at 13:58:05 – minute
3:30 to 5:45)

EXHIBIT F

(Excerpt of Call from Donald Outlaw on 06/28/18 at 09:00:40
– minute 4:00 to 5:45)

EXHIBIT G

(Excerpt of Call from Donald Outlaw on 7/9/18 at 09:00:47
– minute 4:00 to 5:15)

EXHIBIT H

(Excerpt of Call from Donald Outlaw on 9/6/18 at 10:14:29
– minute 3:00 to 4:50)

EXHIBIT I

(Excerpt of Call from Donald Outlaw on 6/29/19 at 20:56:56
– minute 8:16 to 8:52)

EXHIBIT J

(Excerpt of Call from Donald Outlaw on 3/7/19 at 09:48:31
– start to minute 3:38)